

**FROM VICE TO NICE:  
RACE, SEX, AND THE GENTRIFICATION OF AIDS**

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## Abstract.

My dissertation, *From Vice to Nice: Race, Sex, and the Gentrification of AIDS*, tracks the agency of white gay leaders in shaping urban politics in the 1980s vis-à-vis the racialization of public health discourses and practices. In the context of state indifference spurred by the HIV/AIDS epidemic, these leaders embraced racialized norms of sexual hygiene to articulate their Americanness. Because early in the epidemic, the racially coded language of public health represented the gay community as a threat to white Americans, gay community activists learned that meeting institutionalized-defined standards of moral health and sexual hygiene was a precondition for their social membership. However, in testifying on behalf of the gay community's moral cleanliness, these leaders sublimated fears of perverse spaces, atypical gender roles, and deviant sexualities onto communities of color. Under neoliberalism, I argue that these racialized norms of sexual hygiene stood as yardsticks for Americanization. I underscore that racialized norms of sexual hygiene provided for the anesthetization and co-optation of gay radical politics and, in turn, gave form to what Lisa Duggan calls "homonormativity," the normalization of white, middle-class class gay and lesbian politics of sexual respectability. Specifically, through a case study of the Twin Cities of Minneapolis and St. Paul, I uncover how homonormativity converged with wider agendas and policies encompassing the "cleaning-up" of public urban spaces such as low-income neighborhoods and vice districts, and the policing of its racial denizens such as "crack-addicted" single black mothers, Hmong refugees, and Native American sex workers. Using multiple methods, including archival research, ethnographic fieldwork, and discourse analysis, I illustrate that public health constructions of normative gender, sexuality, and domestic space became powerfully intertwined with private development so that both institutions worked in the service of promoting the economically prosperous potential of post-industrial inner-cities as centers of business, culture, and tourism. Gentrification, I conclude, does not simply denote the privatization of public urban spaces. It also reflects attempts at the privatization of non-normative sexuality in the service of reorganizing white heteronormativity.

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## Introduction.

“Diversity is Welcome. Crime is Not.” Homeless Queer and Trans Youth of Color, White

Homonormativity, and the Neoliberal Spatial Fix of Racial and Sexual Difference

## Introduction.

On July 3, 2011, a 25-year-old black man was reportedly attacked and stabbed in the “gay neighborhood” of Boystown in Chicago, by a group of other black men. The attack was caught on video by a white, same-sex couple that witnessed the act from their apartment. Soon after the video’s release and widespread circulation, racial tensions that had been barely simmering below the surface erupted into heated debates surrounding the influx of homeless queer and trans youth of color to Boystown.<sup>1</sup> Although violent crime had actually decreased in the neighborhood, residents perceived a rise in crime due to the presence of young people—mostly black and Latinx and often homeless—who socialized in and around the neighborhood.<sup>2</sup> Under the cover of communicating anxiety about their own safety, residents—mostly white, male, and affluent—echoed racist and derogatory remarks about the LGBT youth.

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<sup>1</sup> Homelessness affects queer youth at disproportionate rates. According to a study conducted by the Williams Institute, the LGBT Homeless Youth Provider Survey, about 40 percent of all homeless youth are LGBT, although statistically they make up 10 percent of that population segment. The National Law Center for Homelessness and Poverty adds that each year about 110,000 LGBTQ youth experience homelessness in the United States. A lack of affordable housing, family rejection, on-going drug use, lack of educational attainment, and unemployment account for the major reasons homelessness persists. In addition, homeless queer youth report higher rates of unsafe sexual behavior and sexual violence. “America’s Shame: 40% of Homeless Youth are LGBT Kids,” *San Diego Gay and Lesbian News*, Jul. 13, 2012.; “LGBTQ Youth,” The National Alliance to End Homelessness. 2016. <http://www.endhomelessness.org/pages/lgbtq-youth>.

<sup>2</sup> The Chicago Police Department reported although crime in the 23<sup>rd</sup> district, which includes Boystown, had increased, crime in eight categories—robbery, aggravated assault, battery, burglary, and theft—rates had actually decreased from a decade prior. Sam Worley, “The Battle in Boys Town,” *The Chicago Reader*, Jul. 14, 2011.

Three days after the incident, over 800 people—residents, business owners, queer and trans youth—packed the auditorium of a nearby school to attend a highly-anticipated CAPS (Community Alternative Policing Strategy) meeting. Many in the audience, representing the interests of residents and business owners, held signs that read: “Diversity is Welcome. Crime is Not.” Residents, including some self-appointed gay leaders, called on the local alderman and the district police commander to adequately address crime while youth speakers warned of the racial profiling to emerge should more police patrols be added.<sup>3</sup> Members of GenderJUST (Justice United for Societal Transformation), a LGBT youth group, claimed that Boystown residents unfairly scapegoated LGBT youth who looked to Boystown as a haven.<sup>4</sup>

As the premier gay commercial and residential district in the Midwest, Boystown houses upscale real estate, chic boutiques, hip bars, specialty restaurants, and trendy coffeehouses, many of which are gay-owned and operated. But, Boystown is also home to the Broadway Youth Center and the Center on Halsted, non-profit organizations that provide social services to queer and trans youth including after-school drop-in programs, counseling services, and STD testing.<sup>5</sup> LGBT youth who access the services of these non-profits travel from far-flung corners of the city, including the west and south sides—

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<sup>3</sup> Kate Sosin, “Hundreds pack into Boystown violence forum,” *Windy City Times*, Jul. 13, 2011.

<sup>4</sup> GenderJUST described itself as “a multi-generational, inter-generational grassroots organization, committed to developing the leadership and power of diverse LGBTQ Chicagoans through a commitment to racial, economic, and gender justice, and the vibrant resistance cultures of our communities.” GenderJUST, “On Bullying and School Violence,” *QED: A Journal in GLBTQ Worldmaking*, Inaugural Issue (2013): 43-48.

<sup>5</sup> The Center on Halsted is a \$20 million, 65,000-sq. foot environmentally-friendly facility that opened in 2007.

economically impoverished areas that also house the bulk of the city's black and Latinx population.

In response to the stabbing and the widespread circulation of the video, the same-sex couple that videotaped the attack created a Facebook page, "Take Back Boystown," an online space to draw attention to community fear about crime and to air frustration about LGBT youth. On the Facebook page, which was flanked by a rainbow pride flag, residents expressed concern that "their" neighborhood was being overrun by criminal elements. According to GenderJUST, the rhetoric of "taking back" illustrates how residents perceived Latinx but, in particular, blacks as being "always-outsiders." Indeed, the page was marred with overt expressions of racism that underscored the racially charged nature of the debate. Some commentators on the Facebook page had even proposed that the Night Ministry, a non-profit organization that administered services to homeless youth, be prohibited from providing services to deter youth from flocking to the neighborhood.<sup>6</sup>

The call to curtail social services resonated with demands by Boystown residents that the city step up its policing and surveillance of black and Latinx youth. One commentator, in conveying his frustration at the perceived wave of violence and the supposed complicity of these non-profit organizations, wrote on the Facebook page:

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<sup>6</sup> For over 20 years, the Night Ministry had provided homeless youth with "food, safer-sex supplies, personal hygiene products, bandages, socks and underwear." And, for the past 10 years, it had offered its services in front of the MB Financial Bank building, located in the heart of Boystown, twice a week with the approval of the branch manager. Kate Sosin, "Lakeview residents want Night Ministry bus out," *Windy City Times*, Jul. 7, 2011.

I'm just sick and tired of the thugs coming here into this neighborhood and being violent and intimidating *good hard working people*...They've destroy their own neighborhoods and now they want to come here and do the same in our beautiful neighborhood. I agree everyone is should be welcome, but don't come here and act like a animal and expect us to welcome you with open arms. (sic; emphasis added)<sup>7</sup>

In a now deleted post, one commentator voiced a similar viewpoint, though in more explicit language:

Boystown was built and created by gay whites with *hard earned* money years back to make Boystown a great neighborhood that it is today...Boystown was meant to be a happy place with open arms full of hugs and love for all of us gays who wanted a place to feel safe and have w/o the bullshit and crime. Its sad that Boystown has been taken advantage by these fucking savage monkeys. (sic; emphasis added)<sup>8</sup>

The racist and classist language in both statements is quite explicit. But, these statements also allude to something else: the intertwining of racism and political economy. What draws my attention here is unpacking the resentful tone that underpins these commentaries. In both statements, residents expressed anger for having built a “beautiful neighborhood” with “hard work,” only now to have that threatened by the uncivilized and

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<sup>7</sup> AFY\_Samantha, “Stabbing caught on video in Boystown: Reaction,” *Amplify: A Project of Advocates for Youth*, Aug. 6, 2011.

<sup>8</sup> “Third Boystown Stabbing in as Many Weeks Caught on Video,” *Huffington Post*, Jul. 5, 2011.

deviant behaviors of these homeless queer and trans youth of color.<sup>9</sup> Their commentaries suggest the high stakes of protecting the gay neighborhood from outside intrusions. Residents perceived the youth as threats because they materially undermined the promise of full citizenship actively sought by residents through housing conditions and living arrangements, all anchored to a culture and politics of homonormativity.

These commentaries do not merely reveal the limitations of a rights-based movement for citizenship, benefits, and protections propelled by single-issue sexual identity politics. They also point to the significance of domestic space in the articulation of those rights-based claims. Because many of the youth are homeless, their material realities run incommensurate to homonormativity with its emphasis on discourses and practices of domesticity, consumerism, privacy, and respectability. Given its emphasis on consumption as civic duty, homonormativity is unable to make sense of homelessness as a structural issue. As such, it renders illegible the lived experiences of the youth, whom residents come to frame as idle, recalcitrant, and vulgar to justify their policing, surveillance, and, ultimately, banishment. Since the youth are perceived as lacking in self-entrepreneurial value—a central tenet of neoliberalism—they imperil the normative project of gay and lesbian national incorporation. For that reason, their removal from Boystown is deemed necessary, not because residents are necessarily racist, though that is

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<sup>9</sup> Boystown acquired its status as a gay neighborhood in the 1970s and 1980s with an influx of white gay men to the area after being pushed out by increasing real estate prices in neighborhoods directly to the south, such as Old Town. With the addition of gay residents into the area, Boystown witnessed the establishment of gay-owned bars, bookstores, and other such businesses. During this time of transition, Boystown had a larger population of African-American residents. The 1980 census reported that 16 percent of the area's residents were black. As property values increased in the 1980s following the gentrification of the neighborhood, Boystown became wealthier and whiter. Recent census estimates put the area's black population at a meager 5 percent, while the white population shot up to 83 percent. Sam Worley, "The Battle in Boys Town," *The Chicago Reader*, Jul. 14, 2011.

certain in cases, but rather because residents subscribe to an understanding of space—in particular, domestic and private—that is crucial to their wider campaign for social membership.

In this dissertation, my orienting questions, thus, become: how and why did space accrue such a significance for the gay community? And, generally speaking, of what political utility is domestic space in the articulation of normativity for marginalized communities? Understanding these questions provide us with greater insight into similar debates that have raged throughout the country in regards to the presence of homeless queer and trans youth of color, such as San Francisco’s Castro District and New York City’s Greenwich Village. Although the policing dynamics of gentrification are at play, what geographer Neil Smith terms “revanchist urbanism,” the added component of sexuality within these debates requires that we consider more than class as a motive behind the securitization of these spaces. What gentrification has offered gay men and, to a lesser extent, lesbians has been an ideological space rooted in consumer capitalism, middle-class respectability, and private property upon which they could stage their compliance to norms of gender, sexuality, and domestic space—what I am calling “racialized norms of sexual hygiene”—and, by extension, confirm the validity of their rights-based claims on the state for citizenship, benefits, and protections. This particular treatment of space has not always been the standard for gay men, especially given gay liberation politics and its goal of free public sexual expression. What provoked this shift, I argue, was the HIV/AIDS epidemic and the larger neoliberal shifts in the political economy of central cities under which this public health crisis proliferated. I show that



gentrification, does not simply denote the privatization of public urban spaces—such as Boystown. It also reflects attempts at the privatization of non-normative sexuality in the service of consolidating what Cheryl I. Harris calls “whiteness as property.”<sup>10</sup>

My spatial focus does not lie in New York City, San Francisco, or Chicago. Instead, I focus on the Twin Cities of Minneapolis and St. Paul. Located in the Upper-Midwest, the Twin Cities is the largest urban hub between Chicago and Denver. In view of its location and population, it is appealing to a number of gay men and lesbians from the surrounding states of Wisconsin, Iowa, North Dakota, and South Dakota. According to a study of the 2010 U.S. Census conducted by the Williams Institute at UCLA, among large cities in the country, Minneapolis ranked fourth in the number of same-sex couples residing within its borders. With 3,831 same-sex couples or a rate of 23.43 same-sex couples per 1,000 households, Minneapolis trailed behind only San Francisco, Seattle, and Oakland among cities with a population over 250,000.<sup>11</sup> Minneapolis’s reputation as a liberal town with tolerant people was all but concretized in 2011 when *The Advocate*, a national gay news magazine, ordained it the “Gayest City in America.”<sup>12</sup>

The case of the Twin Cities underscores that the American Midwest is both a geographic entity and a discursive formation that has been integral to the hegemony of neoliberalism. Conceived as a liberal, progressive, and tolerant region, Minnesota is lauded for its union cities and towns. Residents celebrate it for welcoming Hmong and

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<sup>10</sup> Cheryl I. Harris, “Whiteness as Property,” *Harvard Law Review* 106, no. 8 (1993): 1707-1791.

<sup>11</sup> “Minneapolis has fourth highest rate of same-sex couples among big cities,” *The Washington Independent*, Aug. 30, 2011. <http://washingtonindependent.com/110981/minneapolis-has-fourth-highest-rate-of-same-sex-couples-among-big-cities>.

<sup>12</sup> Kim Palmer, “Gayest city? Magazine says it’s Minneapolis,” *Star Tribune* (Minneapolis, MN), Jan. 15, 2011.

Somali refugees and Korean adoptees. They point out that anyone can be openly gay and lesbian in Minnesota, so much so that a gay neighborhood is unwarranted in Minneapolis. In spite of its popularity as a “gay friendly” city, Minneapolis does not have an official gay neighborhood. Residents argue Minneapolis does not have a gay neighborhood because the overall tolerance of the city renders such a space redundant and unnecessary.<sup>13</sup> They insist that LGBT life is integrated in the Twin Cities—but integrated not as a racial category.<sup>14</sup> This and other discourses like it of the “middleness” and “niceness” of the Twin Cities shore up and advance the political and economic structures

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<sup>13</sup> State-sponsored practices of urban renewal have actually been at the forefront of eradicating gay spaces in the Twin Cities, including the Gateway District in the 1950s and Loring Park in the 1980s. See: Stewart Van Cleave, *Land of 10,000 Loves: A History of Queer Minnesota*. (Minneapolis, MN: University of Minnesota Press, 2012).

<sup>14</sup> Despite not having a gay neighborhood, Minneapolis has also been privy to tense debates pertaining to the role of LGBT youth of color in supposedly undermining the struggle for full gay political enfranchisement. These debates between LGBT youth and white gay leaders were clearly explicit in the case of District 202. Founded in 1991, District 202 was one of the nation’s first non-profit organizations of its kind in the country. At the time of its opening, the *Star Tribune* described the organization as “something between a sanctuary and a social club, a place to meet and learn about each other without judgment or fear.” Designed with the intent of providing LGBT youth with alternative places to socialize that did not revolve around bars and public parks, the organization was opened late, especially on weekends. Yet, youth were not allowed to sleep there. However, by July of 2009, the GLBT youth center District 202 ended its day-to-day operations when it shut down its 7,000-sq. ft. physical drop-in center. At its height, two thousand youth stopped by the center in 1997, adding up to 12,000 visits. In the months leading up to its closure, few, if any, teenagers visited. Among some of the reasons for the organization’s dwindling popularity were the very same factors the organization was intended to address. With youth “coming out” earlier and schools in the Twin Cities offering gay-straight alliances or other support networks, the organization—according to some—had become obsolete. In addition, the internet—virtually non-existent at the time of the organization’s opening—now allowed LGBT youth with a platform to discuss their experiences with others, locate resources, and establish relationships. Still, others argued that District 202 was no longer necessary because of growing public and state acceptance and tolerance towards gay men and lesbians. But, more than anything, financial struggles also sealed the organization’s fate. In 2008, the non-profit ran a quarter-million-dollar deficit. The organization’s financial troubles were partly the result of lessened funding for LGBT programs serving youth. A study of 2007 data found that Minnesota foundations gave nearly \$1.3 million to organizations focused on LGBT issues; but only 22 percent went to programs serving youth. Phillip Jares, the outgoing president of District 202’s board at the time of its closure, explained to the press that the lack of funds to LGBT youth programming was a result of competition with civil rights battles, including gay marriage and gays in the military. Jares elaborated, “Adults are very focused on issues that concern adults.” Madeline Baran, “Once-thriving Mpls. LGBT center faces identity crisis,” *MPR News*, Jan. 7, 2011.; Amber Schadowald, “PRIDE 2009: pride on our sleeves?” *Star Tribune*, Jun. 25, 2009: 18.; Kurt Chandler, “Center opens for gay, bisexual youth,” *Star Tribune*, Jan. 05, 1993: 03B.

of neoliberal corporate interests. A discourse of “Minnesota Nice” also obfuscates deep-rooted differences of structural power and secures the upward redistribution of resources, all in a context of heightened racial policing. There is perhaps no better example of this set of dynamics at play than the gentrification of commercial sex establishments and the subsequent eradication of race- and class-based public sexual cultures in Minneapolis.

Studies of homonormativity, gentrification, and HIV/AIDS tend to bolster the dominant coastal narrative of New York and San Francisco. And, when they do consider the Midwest, they largely focus on Chicago. That approach is problematic as we cannot know the collusions between white liberalism and neo-conservatism without first understanding the history of the Twin Cities and other self-described liberal and progressive locales. The case of the Twin Cities differs from the dominant coastal narrative to the extent that it provides us with a regional understanding of contemporary neoliberal formations. Because HIV/AIDS arrived later in the Upper Midwest, the social infrastructure in place to tackle the epidemic was not as developed as in other regions. Public awareness over the epidemic was also lacking. Therefore, to frame the epidemic as a pressing matter, local gay leaders renewed fears that the virus posed a significant threat to the general population of white Minnesotans. In Minnesota, HIV/AIDS was imagined as a disease that afflicted promiscuous gay men and heathen IV-drug users in predominantly black and Latinx urban centers, far removed from the idyllic countryside of the heartland. As such, gay community activists harnessed racial anxieties to make poor people of color the center of the epidemic. This strategy provided white gay leaders

with a platform to petition the state for their social membership vis-à-vis the perceived sexual otherness of the racialized poor.

The case of the Twin Cities, thus, confirms that an investment in whiteness has proven influential in building a politics of homonormativity, and spearheading public health campaigns and public housing initiatives that radically reshaped the built environment in the image of neoliberalism. The domestication of white gay male sexuality and lesbian sexuality in the Twin Cities was the product of efforts undertaken by white gay and lesbian politicians and community activists, including the likes of Brian J. Coyle, Allan Spear, and Karen Clark. In bartering for the social value of some gay men and lesbians, these leaders promoted state interests that, in turn, facilitated a regional form of gentrification that undermined the interests of working-class queer constituencies and the racialized poor. The white gay liberalism at the root of these policies and practices in the Twin Cities became adapted and recognized at the national level through the Human Rights Campaign and other non-profit organizations. My spatial focus on the Twin Cities, hence, demonstrates that the contemporary neoliberal formations that we take for granted as new—homonormativity—were already in place in the Upper Midwest in the 1980s. Because a number of the policies and practices I discuss in the Twin Cities of Minneapolis and St. Paul occurred in relation to larger metropolitan areas, such as New York City and San Francisco, I move back and forth between a local urban frame and a larger national comparative.

In the remainder to this introduction, I provide a brief overview of neoliberalism, homonormativity, public health, and their role in neighborhood change, especially in

relation to the gay community.” Next, in my discussion of the interconnections between the spatiality of homonormativity and the biopower imperatives of public health, I provide a critique of Marxian geography by offering a feminist and queer of color assessment of gentrification. I define what I am calling a “neoliberal spatial fix,” my corrective to Marxist geography. I elaborate how the case of the Twin Cities speaks to the ways in which locality can help nuance previous conversations on gentrification and homonormativity. I end by providing a description of the chapters and by reiterating the importance of analyzing white homonormative formations in relation to the devaluation of the racialized poor under neoliberalism.

### **Historical Overview.**

Space is not only central to the accumulation and production of capital; it is also the medium through which historically marginalized groups stage their social value. This function of space has been bolstered by shifts in the political economy of American central cities beginning with the ascendancy of neoliberalism in the 1970s, following one of the deepest and longest economic recessions in the United States since the Great Depression of the 1930s. Arising in response to the Vietnam War and the oil crisis of the 1970s, neoliberalism, according to geographer David Harvey, is “a theory of political economic practices that proposes that human well-being can best be advanced by liberating individual entrepreneurial freedoms and skills within an institutional framework characterized by strong private property rights, free markets, and free trade.”<sup>15</sup> Harvey’s definition expresses that neoliberal discourses and practices are premised on the

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<sup>15</sup> David Harvey, *A Brief History of Neoliberalism* (London: Oxford University Press, 2007), 2.

expansion of free markets and on the eradication of barriers to that free trade in a globally-integrated economy. Under neoliberalism, unfettered markets serve as the disseminators of democratic freedoms and as arbiters of economic and social disparities. To promote the deregulation of markets, neoliberalism endorses the privatization of government functions as it concomitantly embraces the retrenchment of social welfare services. This is not to suggest that neoliberalism does not impact the sociocultural domain. On the contrary, neoliberalism thrusts a discourse of personal responsibility and a practice of self-entrepreneurialism. These neoliberal ideologies and policies were spatially reflected in efforts to revitalize once economically divested inner-city neighborhoods.

As American cities moved away from manufacturing-based economies to economies supported by financial, insurance, and real estate services, cities reorganized into sites of symbolic production. In the wake of these changes to profit-generating schemes, city officials came to rely upon place-making strategies that worked to differentiate their cities from others. Due to the incursion of this neoliberal market logic into urban governance, city officials transformed their cities into quasi-corporations, selling themselves to profit-generating industries and a professional-managerial class with global tastes. To attract residents, tourists, and private capital, city officials underscored their commitment to sexual tolerance and racial diversity, “recreating themselves as places of culture and consumption.”<sup>16</sup> In so doing, city officials relied upon

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<sup>16</sup> Dereka Rushbrook, “Cities, Queer Space, and the Cosmopolitan Tourist,” *GLQ: A Journal of Lesbian and Gay Studies* 8.1-2, 2002: 188.

urban planning policies that vouched for the supposed economic benefits that come with the social tolerance associated with middle-class, same-sex households.

According to noted urban sociologist, Richard Florida, the social tolerance associated with a city's concentration of same-sex households acts as a pull factor for the "creative class" of workers at the center of the (then) "new economy." Florida's oft-critiqued creative class model posits that city officials must reach out to the creative class since cities can no longer compete economically simply by attracting or developing mega-projects like sports stadiums and downtown development districts. This mass of creatives, in turn, generates new ideas, technology, and creative content that, in theory, causes cities to thrive. But for a city to become a magnet of the creative class, it must first embody what Florida calls the three Ts: talent, technology, and tolerance. Here, Florida proposes a "gay index," based on the proportion of same-sex households in a city as an effective determinant of the regional success of high-tech industries.<sup>17</sup> Given this lucrative profit-generating opportunity, city officials now deliberately market their cities as "gay friendly." Critics, however, have extensively challenged Florida's claims. For one, Florida's creative city model relies on data from the 2000 U.S. Census which only reports on the number of *coupled*, same-sex households.<sup>18</sup> Therefore, what Florida accomplishes by mobilizing coupled, same-sex households as representative of (homo)sexual diversity is a model of sexuality in line with the neoliberal sexual politics of homonormativity.

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<sup>17</sup> Richard Florida, *The Rise of the Creative Class: And How It's Transforming Work, Leisure, Community, and Everyday Life* (New York: Basic Books, 2002).

<sup>18</sup> David Bell and Jon Binnie, "Authenticating Queer Space: Citizenship, Urbanism and Governance," *Urban Studies* 41 (2004): 1807-20.

Even though racial diversity and sexual tolerance may elevate a city's desirability, city officials must ensure that the minority social difference they are promoting is one that adheres to the cultural and political tenets of neoliberalism. To that extent, city officials tend to highlight the safest and most fundable forms of minority social difference. In terms of sexuality, city officials, business owners, and community leaders favor a same-sex formation rooted in homonormativity. Emerging out of neoliberalism, homonormativity, according to historian Lisa Duggan, is a "politics that does not contest dominant heteronormative assumptions and institutions, but upholds and sustains them, while promising the possibility of a demobilized gay constituency and a privatized, depoliticized gay culture anchored in domesticity and consumption."<sup>19</sup> Rather than vying for the freedom to sexual difference—as was foundational to gay liberation politics—homonormativity, cultural anthropologist Martin Manalansan explains, creates "a depoliticizing effect on queer communities as it rhetorically remaps and recodes freedom and liberation in terms of privacy, domesticity, and consumption."<sup>20</sup> Duggan and Manalansan indicate that homonormativity re-situates freedom to the private domain, away from the public sphere. In the private domain, homonormativity then occupies and reproduces heteronormative norms. However, homonormativity also entails implications for the public sphere. As a biopolitical exercise of power, homonormativity necessitates the exclusion of certain queer bodies—those marked as deviant and unintelligible within

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<sup>19</sup> Lisa Duggan, *The Twilight of Equality? Neoliberalism, Cultural Politics, and the Attack on Democracy*, (Boston: Beacon Press, 2003), 50.

<sup>20</sup> Martin F. Manalansan, IV, "Race, Violence, and the Neoliberal Spatial Politics in the Global City," *Social Text* 23 (2005): 142.



neoliberal rubrics of value, “who do not or cannot play by the rules, nor a system whose very existence depends upon exclusion.”<sup>21</sup>

The spatiality of homonormativity is also the materialization of a revanchist urbanism. Geographer Neil Smith describes revanchist urbanism as middle- and upper-class whites reclaiming central cities from poor, working-class and homeless populations, who are characterized as “underserving” of these spaces. Smith contends that stories of crime and violence, drugs and unemployment, immigration and moral depravity, all fuel a revanchism of the city. Under revanchist urbanism, the “rights to the city” by poor, working-class and homeless populations are symbolically withdrawn through policies of banishment, criminalization, displacement, and incarceration.<sup>22</sup> Examples of the strategies of revanchist urbanism include the social cleansing of cities through heightened policing and regulation of “idle” (read: non-neoliberal) subjects, the demolition of high-rise public housing, and the subsequent displacement of the racialized poor. Although cloaked under the veil of civic morality, family values, and neighborhood security, Smith argues that revanchist urbanism represents a defense against the unraveling of white supremacy. He elaborates that the revanchist city expresses a race, class, and gender terror felt by middle- and upper-class whites against exaggerated or imagined threats such as the curtailment in social welfare services, a decimated property market, the presence of

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<sup>21</sup> Fatima El-Tayeb, *European Others: Queering Ethnicity in Postnational Europe* (Minneapolis, MN: University of Minnesota Press, 2011), 123.

<sup>22</sup> Neil Smith, *The New Urban Frontier: Gentrification and the Revanchist City* (New York: Routledge, 1996).

minority and immigrant groups, and unemployment.<sup>23</sup> This practice of regulation and surveillance is intrinsic to the production of gay neighborhoods.

The commercialization of gay districts and ethnic enclaves as marketing opportunities by city officials highlights the state's treatment of race and sexuality as opportunities for profit in a neoliberal creative economy. Cultural developments such as gay neighborhoods that highlight a city's supposed diversity and tolerance further lubricate the process of gentrification. Not surprisingly, this strategy divests these very same spaces of their radical potential and sanitizes them in preparation for their consumption by consumer-citizens. Since homonormativity is tied to the neoliberalization of urban space and, by extension, the exclusionary nature of private property, the exclusions inherent to homonormativity are spatially articulated in the physical marginalization of those "deviant" bodies that do not advance the mandates of neoliberalism. These are the subjects deemed to be lacking in self-entrepreneurial value—those bodies allegedly poised to lower property values and tarnish the public relations campaigns of cities because their material reality proves that the freedom professed by neoliberalism is not universal or without violence. It is here where we can situate homeless queer and trans youth of color. In order to reap the highest returns on political and commercial investments, city officials and business owners, with the

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<sup>23</sup> Smith offers the case of New York City in the mid-1990s as an example of revanchist urbanism. In 1994, Mayor Rudolph Giuliani infamously enacted a particularly revanchist set of urban policies designed to criminalize a broad swath of activities deemed threatening to the "quality of life" in city neighborhoods. This included measures against sleeping and camping in public, pavement sitting, panhandling, and windshield washing. Smith determines that the paradigm of quality of life granted the NYPD with an unprecedented array of powers to remove homeless people from public, force them into unsafe shelters, or merely hide from view. Smith concludes that revanchist urbanism is conveyed in the legal, physical, and rhetorical efforts against scapegoats, constructed out of racial, class, gender, sexual, and national difference. See: Smith, *The New Urban Frontier*.

backing of gay leaders and residents, safely domesticate gay neighborhoods through the removal of these “undesirable forms of sexual expression,” what geographers David Bell and Jon Binnie call the “queer unwanted.” Under this process of purification, certain expressions of same-sex desire and the spaces in which those desires are enacted become labeled in need of regulation. The literal purification of “undesirable” forms of sexual expression, in turn, reduces the gay public sphere into mere gentrified spaces of consumption and domesticity, such as Chicago’s Boystown.<sup>24</sup> If spatiality is paramount to the expression of social value for historically marginalized groups, then it makes sense that white gay leaders would actively push for the removal of those physical manifestations that undermine the carefully orchestrated public image of the group as a whole.

In an ostensibly colorblind moment, residents, business owners, and gay leaders mobilize narratives of safety to justify the removal of the queer unwanted. These discourses of safety function more as thinly-veiled attempts to safeguard the flows of capital and protect the racial category of “whiteness as property” than any such effort to protect against physical harm. The production of gay neighborhoods—as safe spaces—has historically depended upon a practice of surveillance and regulation that confirms the imminent danger posed by people of color. In her study of gay urban politics, *Safe Space*, historian Christina B. Hanhardt shows that safe street patrols in the 1970s consolidated acts of street harassment and physical assault against gay men and lesbians as instances of what they deemed to be anti-gay hate violence. This burgeoning legal category of

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<sup>24</sup> David Bell and Jon Binnie, “Authenticating Queer Space: Citizenship, Urbanism and Governance,” *Urban Studies* 41 (2004): 1811.

crime facilitated the development of a shared consciousness among gay men and lesbians established around the collective need for “safe space.” Because gay neighborhoods, such as San Francisco’s Castro District and New York City’s Greenwich Village, nurtured a nascent gay subjectivity—one where gay men and lesbians *could* live openly without the fear of violence—these neighborhoods became the assets in need of highest protection.<sup>25</sup> Nonetheless, since safe street patrols made use of discourses of safety that were racialized to determine who was likely a victim and who was likely a perpetrator of that crime, safe street patrols organized in support of a very specific identity, one that matched the race and class demographics of the neighborhood: white, male, and middle-class. If safe street patrols suspected people of color of being violent threats, then it comes as no surprise that whiteness was conferred with “safe space,” at the expense of queers of color. These discourses of safety have persisted to contemporary instances of gay gentrification.

Writing in regards to Greenwich Village in New York City after the World Trade Center attacks on September 11, 2001, Manalansan notes that gentrification there relies upon a racist order reproduced through neoliberal investments and structures. In an effort to ensure residential safety and national security, community stakeholders such as gay leaders, neighborhood watch groups, and business improvement districts altered the urban landscape frequented by homeless queer youth of color and migrants of color through punitive measures that criminalized the racialized poor.<sup>26</sup> Manalansan’s analysis illustrates that homonormative discourses and practices extract their legitimacy vis-à-vis

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<sup>25</sup> Christina Hanhardt, *Safe Space: Gay Neighborhood History and the Politics of Violence*, (Durham, NC: Duke University Press, 2013).

<sup>26</sup> Manalansan, “Race, Violence, and the Neoliberal Spatial Politics in the Global City,” 151.

the continued subjugation of devalued subjects. The narrative of safety also obfuscates the unlikely alliances between gay leaders and the state in the violent purification of commodified gay neighborhoods. Once the removal of the queer unwanted is achieved, gay neighborhoods are opened to the unfettered incursion of capital, including upscale condominiums and chic boutiques catering to the aestheticized lifestyles of a particular subset of gay men. The rightfully belonging gay subject within these commodified spaces becomes someone who complies with a mandate of domestic consumerism, middle-class respectability, and private property. Given the race- and class-based exclusions at the heart of gay commodified spaces, Bell and Binnie rightfully conclude that “gay public space effects marginalization even as it claims visibility.”<sup>27</sup> Thus, the new vision of urban space conveyed by homonormativity is one framed by neoliberal forms of governance, maximizing profit while policing ideological and spatial borders against the intrusion of racialized and sexual aberrance. The narrative of safety in discourses and practices of homonormativity enables white gay leaders to reap the benefits of gentrification while passively accepting violent forms of regulation directed at economically disenfranchised populations.

Since the mainstreaming of gay residential and commercial spaces disseminates a normative depiction of gay men as socially valuable, we can treat commodified gay spaces as crucial to the project of cultural belonging, political enfranchisement, and social membership enacted by white gay leaders. In other words, the spatiality of homonormativity operates in the service of state petitions for citizen rights, benefits, and

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<sup>27</sup> Bell and Binnie, “Authenticating Queer Space: Citizenship, Urbanism and Governance,” 1817.

protections. I, thus, argue that homonormativity functions as a form of “emproptiment” in which white gay leaders make claims on the state for citizenship through the reification of gender, sexual, and domestic space norms—racialized norms of sexual hygiene. This effort to assert the civic fitness of domesticated gay men, nevertheless, is contingent on policing ideological and physical borders.<sup>28</sup>

For that reason, the incorporation of white, middle-class same-sex households within the fold of the state conceals and perpetuates the state’s deployment of violent mechanisms against racially devalued subjects. Jasbir Puar argues that the national belonging of homonormative subjects— “homonationalism”—rests on the “segregation and disqualification of racial and sexual others from the national imaginary.” Coinciding with “the coming out of the exceptionalism of American empire,” homonationalism functions as an “exceptional form of homonormativity” which “continue[s] or extend[s] the project of U.S. nationalism and imperial expansion endemic to the war on terror.” Under this formulation, the homonormative subject becomes a newly valued subject—a prong working in the service of American exceptionalism—while racial and sexual others, both domestic and abroad, are further devalued through processes of denationalization. This ontological Othering—part of the state’s arsenal in the war on terror—enables the physical distancing of the racialized poor from the literal and

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<sup>28</sup> The empropting of white gay men during and after the HIV/AIDS epidemic transformed their social relation with the state. By the virtue of private property ownership or aspiration towards it, white gay men were now enjoined in a social contract with the state. The state alone could protect their rights as private property owners, a relationship which some white gay men surely thought could lead to their political enfranchisement, if not practically then symbolically. Through its technologies of policing and punishment, the state could protect their homes, neighborhoods against racial devaluation. In so doing, the state would be safeguarding the medium that white gay men used to petition the state for their social membership. This social contract between white gay men and the state did, in fact, result in the eventual admission of white gay men into United States citizenship.

figurative borders of the nation. Their “social death” is further ensconced through the denial of *habeas corpus*, the cutback in social welfare services, and the threat of banishment, deportation, and incarceration. If racialized violence is central to the production of homonormativity, then homonationalism makes use of processes of relational valuing. Here, Puar explains that “the deferred death of one population recedes as the securitization and valorization of the life of another population triumphs in its shadow.”<sup>29</sup> Puar’s point is that the inclusion of white, middle-class same-sex households after 9/11 is contingent on the continued abjection, criminalization, torture, and outright death of “the terrorist,” the poor, and those of color.

Elaborating upon Puar’s insight, Anna M. Aganangelou, Daniel M. Bassichis, and Tamara L. Spira explain that the specter of equality, home, and safety within gay-rights discourse redirects attention away from pressing forms of state-sanctioned violence. The state then exploits sentiments of happiness and safety, or “affective economies,” to lure individuals under its control. Aganangelou, Bassichis, and Spira define affective economies as “the circulation and mobilization of feelings of desire, pleasure, fear, and repulsion utilized to seduce all of us into the fold of the state—the various ways in which we become invested emotionally, libidinally, and erotically in global capitalism’s mirages of safety and inclusion.”<sup>30</sup> The narrative of safety and the promise of home are actively mobilized to rationalize the regulation of urban spaces and

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<sup>29</sup> Bell and Binnie, “Authenticating Queer Space: Citizenship, Urbanism and Governance,” 8.; Jasbir K. Puar, *Terrorist Assemblages: Homonationalism in Queer Times* (Durham, North Carolina: Duke University Press, 2007), 3.

<sup>30</sup> Anna M. Aganangelou, Daniel M. Bassichis, and Tamara L. Spira, “Intimate Investments: Homonormativity, Global Lockdown, and the Seductions of Empire,” *Radical History Review* 100 (2008): 122.

discipline recalcitrant homeless queer and trans youth of color, such as those in Chicago's Boystown. The attacks on September 11, 2001, although a watershed moment in world history with a series of long-lasting ramifications, alone cannot explain the homonormalization of white gay men. To truly understand homonormativity as a rights-based shift towards domestic consumerism, middle-class respectability, private property, and reproductive futurism, we must look at the relationship between neoliberal urban policies, the HIV/AIDS epidemic, and the continued marginalization of the racialized poor.

### **Theoretical Intervention.**

My dissertation, *From Vice to Nice: Race, Sex, and the Gentrification of AIDS*, asks how white gay men went from being reviled in the 1980s as a medical menace to being celebrated as a new model minority of citizens in the 21<sup>st</sup> century. The homonormative formation of white gay men into what Florida calls "canaries of the creative economy" is *not* an example of growing public and state acceptance and tolerance for racialized and sexual others, as *The Advocate* would have it in its designation of Minneapolis as the "Gayest City in America." That would be an oversimplification, devoid of critical engagement with the spatial shifts in the political economy of the American central cities. At the same time, it is inaccurate to assume that the homonormalization of white gay men suddenly materialized overnight after September 11, 2001. Some LGBT studies scholarship mistakenly dates the rise of homonormative politics to the mid-1990s, when the Federal Food and Drug Administration authorized the sale of new life-sustaining AIDS medication. This moment



was perhaps best captured by white gay journalist Andrew Sullivan's infamous assertion in the *New York Times* in 1996 that AIDS was over.<sup>31</sup> Nonetheless, what these accounts of homonormativity and gay gentrification fail to take into account is that the homonormative turn in gay politics occurred much earlier than the mid-1990s. As a project of white gay racial formation, homonormativity, I show, arose in political mobilizations against the HIV/AIDS epidemic, in simultaneity with the state's newfound logic of contingent belonging towards people of color, what literary critic Jodi Melamed calls "neoliberal multiculturalism."<sup>32</sup> By tracing the agency of white gay leaders in shaping urban politics in the 1980s vis-à-vis the racialization of public health discourses and practices, my dissertation proposes that the normalization of white gay men was not necessarily molded by growing public and state acceptance and tolerance; instead, it was mobilized by economic, political, and social conditions of neoliberalism.

I use "white gay leaders" instead of "gay leaders" for various critical reasons. For one, it allows me to make the point that virtually all gay leadership at the time was white since the "gay community" was largely defined as white. I am not necessarily insinuating that gay men of color struggled with white gay men over leadership. Racial, class, and gender privilege afforded white gay men with opportunities for leadership in ways that were denied to gay men of color. And, second, I am making a case as to why we should attend to the ways in which homonormativity animated white racial formation. It is quite possible that even if granted with opportunities for leadership, gay men of color would

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<sup>31</sup> Andrew Sullivan, "When Plagues End," *The New York Times Magazine*, Nov. 10, 1996.

<sup>32</sup> Jodi Melamed, *Represent and Destroy: Rationalizing Violence in the New Racial Capitalism* (Minneapolis, MN: University of Minnesota Press, 2011).

have not taken those opportunities since they did not see their interests or needs reflected by the mainstream gay rights movement. I use “white gay leaders” interchangeably with “gay community activists” and “gay rights advocates” to denote the race and class-based privilege of gay leadership within the mainstream gay rights movement in the United States. When I note distinctions in political allegiances within the leadership, as noted in support for bathhouses and public sex, I make note of that distinction by referring to this latter group of leaders: “queer activists.”

In the context of state indifference spurred by the HIV/AIDS epidemic, those in positions of power within the gay community embraced racialized norms of sexual hygiene to articulate their Americanness. Early in the epidemic, racially coded language of public health represented the gay community as a threat to white Americans. As long as the sexual habits of the gay community confirmed such demonized characterizations, the gay community as a whole would remain ineligible for legal recognition and social membership. Norms of sexual hygiene, which were thoroughly racialized, classed, and gendered, defined who was made to appear deserving and worthy of care and sympathy during the HIV/AIDS epidemic. Racialized norms of sexual hygiene determined upon whom Americanness was conferred and upon whom it was withheld. On those grounds, public health played a key role not only in bestowing social membership, but also in administering cultural meanings attached to race and sexuality.

Because early in the epidemic racially coded language of public health represented the gay community as a threat to white Americans, gay community activists learned that meeting institutionalized-defined standards of moral health and sexual

hygiene was a precondition for their social membership. The institution of public health, in addition to promoting and shaping images of the gay community as sexually aberrant, also served as the medium through which gay leaders would invalidate such representations. However, in testifying on behalf of the gay community's moral cleanliness, leaders sublimated white fears of perverse spaces, unorthodox gender roles, and deviant sexualities onto communities of color. As a result, they harnessed the existing racial order to recalibrate discourses and practices in their favor. I, therefore, argue that—under neoliberalism—racialized norms of sexual hygiene stood as “yardsticks for Americanization” that determined the validity of rights-based claims on the state by politically disenfranchised populations such as the racialized poor and sexual minorities.<sup>33</sup> These racialized norms of sexual hygiene provided for the anesthetization and co-optation of gay liberation politics and, in turn, gave form to homonormativity, the normalization of white, middle-class gay and lesbian politics of sexual respectability.

Specifically, through a case study of the Twin Cities of Minneapolis and St. Paul, I uncover how homonormativity converged with wider agendas and policies encompassing the “cleaning-up” of public urban spaces such as low-income neighborhoods and vice districts, and the policing of its racial denizens such as “crack-addicted” black mothers, and Native American sex workers. Using multiple methods, including archival research, ethnographic fieldwork, and discourse analysis, I assert that public health constructions of normative gender, sexuality, and domestic space, became powerfully intertwined with private development so that both institutions worked in the

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<sup>33</sup> Natalia Molina, *Fit to be Citizens: Public Health and Race in Los Angeles, 1879-1939* (Berkeley, CA: University of California Press, 2006), 45.

service of promoting the economically prosperous potential of post-industrial inner-cities as centers of commerce and tourism. The gentrification of AIDS, therefore, confirms that the infrastructural dismantling of public sexual cultures and commercial sex establishments—via the establishment of ordinances and racialized norms of sexual hygiene—cultivated the privatization of public urban spaces as an extension of efforts to reorganize white heteronormativity.

By looking at the role of public health in the proliferation of racial discourses in the 1980s during the HIV/AIDS epidemic, I show the ways white gay leadership in the Twin Cities made use of such discourses to expand the racial category of whiteness through their exploitation of racialized norms of sexual hygiene. The revalorization of white gay men through a culture and politics of homonormativity helped restabilize a white racial order whose foundations were unstable due to the ascendancy of neoliberal multiculturalism. Moreover, investigating the linkages between the racialized poor and sexual minorities in the Twin Cities reveals that these populations were racialized in relation to one another, a process culminating in the institutionalization of a racial hierarchy. If homonormativity highlights the fluidity of whiteness and the ways through which racial categories evolve vis-à-vis norms of gender, sexuality, and domestic space depending upon economic pressures and political factors, both regionally and nationally, then the history of whiteness in the United States requires that we consider homonormativity as a constitutive project of that racial category. I make use of this critical aperture to illuminate the ways through which the racialized reconstitution of white, middle-class same-sex households occurred in synchronicity to the sexual

devalorization of the racialized poor. These formations, in fact, were reciprocal onto one another.

### **The Spatiality and Temporality of Homonormativity.**

Despite everyday attitudes that take spatiality for granted, space is central to the reproduction of society and capitalism. Space is the medium through which historically marginalized populations stage their compliance to norms of gender, sexuality, and domestic space. According to urban sociologist, Henri Lefebvre, space is the domain wherein the many elements and aspects of capitalism intersect. In *The Production of Space*, Lefebvre retheorizes space by arguing that understandings of geographical space, landscape, and property are, in fact, cultural and, thus, subject to shifting relationships and structures of power.<sup>34</sup> Rather than operating as an empty reservoir where everyday life transpires, space—as the physical expression of modes of production—is inherent to any exercise of power. Nonetheless, once space is produced, Lefebvre argues, it is subsequently abstracted or divested from those social relations and processes inherent in

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<sup>34</sup> In *The Production of Space*, Lefebvre re-characterizes space as an ever-evolving expression of the modes of capitalist production. Instead of reifying synchronic theories on space promulgated by disciplines such as planning and geography, Lefebvre examines the social underpinnings of space, arguing that meanings attached to geographical space, landscape, and property are culturally mediated. Critiquing social science theories on space, Lefebvre establishes the importance of lived experience in comprehending geographical space as an inherently social construct. By examining struggles over the meaning of space, Lefebvre challenges the denial of particular individuals and communities to “right of space,” or access and participation in the urban milieu so that individuals and communities not only enjoy the right of association but also exercise their own self-determination. According to Lefebvre, geographical space in capitalist-driven societies is organized into privately-owned lots. Consequently, a privatized ethos of space circumscribes understandings of property in all capitalist societies. These taken-for-granted privatized assumptions of space, in turn, justify the violent exclusion, if not outright banishment, of those individuals and communities that violate this model of space. At the same time, Lefebvre proposes that clandestine and underground spatial practices—under which I would include public sex—that prompt sweeping reconfigurations of institutionalized discourses of space can unravel taken-for-granted privatized understandings and practices of space. Henri Lefebvre, *The Production of Space*, trans. Donald Nicholson-Smith (Malden, MA: Blackwell Publishers, Inc., 1991). See: Rob Shields, “Henri Lefebvre,” in *Key Thinkers on Space and Place*, ed. Phil Hubbard and Rob Kitchin, 279-85 (London: Sage, 2001).

its production.<sup>35</sup> This abstraction operates in the service of a hegemonic class of administrators, developers, planners, residents that seeks to reproduce its own dominance.

Building upon Lefebvre's insights, Marxist geographer, David Harvey insists that space is not absolute nor given. Space, Harvey maintains, is constructed and relative. By this, Harvey means that social practices and processes produce spatial forms which circumvent, facilitate, and modify those very same practices and processes.<sup>36</sup> In *The Limits to Capital*, Harvey fashions a Marxian theory of geography—a historical-geographical materialism of capitalism—that treats geography, or the material topography of towns, cities, and transport networks, as both a component and product of the capitalist economy. By incorporating space into Marx's theory of capitalism, Harvey reveals that space matters to capitalism and is thus crucial in any attempt to critique, dismantle, or resignify capitalism.<sup>37</sup>

However, for all of Lefebvre and Harvey's unprecedented insistence that space occasions social effects, they prioritize class as *the* social category of difference that fuels capitalism. In so doing, their theorizations of capitalist space remain wedded to a

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<sup>35</sup> Here, Lefebvre underscores the dialectical nature of space between space that is concrete (localized via a physical expression) and space that is abstract (existing as a commodity in relation to other social processes including exchange and labor). Abstract space, or space produced by the conspiring forces of government and capitalism for commercial exploitation and social control, indexes an appearance of emptiness and homogeneity. Lefebvre argues that this illusion of cohesion is rendered possible through a visual epistemology of transparency. Transparency is the depiction of clarity that is articulated through the visual exercises of socially constitutive space. Ibid.

<sup>36</sup> In *Social Justice and the City*, Harvey argues that space is not "a container" into which "non-spatial" things are merely added. Instead, Harvey proposes that the question "What is space?" be replaced by the question, "[H]ow is it that distinctive human practices create and make use of distinctive space[s]?" For Harvey, social practices and processes engendered spaces in a circular fashion whereby those spaces would in turn impinge upon those very same practices and processes. David Harvey, *Social Justice and the City* (Atlanta, GA: University of Georgia Press, 1973), 14. See: Noel Castree, "David Harvey," in *Key Thinkers on Space and Place*, ed. Phil Hubbard and Rob Kitchin, 234-41 (London: Sage, 2001).

<sup>37</sup> David Harvey, *The Limits to Capital* (Malden, MA: Blackwell Publishing, 1982).

patriarchal tradition that preserves a gender blindness and that naturalizes heterosexuality. Their uncritical division of bodies and spaces along normative gender and sexual metrics fails to take into account how these categories of difference themselves are implicated in the social production of space. This is a significant oversight since space is pivotal to the discursive and material consolidation of gender, sexual, and domestic space norms.

Central to the reproduction of society and capitalism is gender and sexuality. According to French philosopher Michel Foucault's theoretical interventions into the mechanics of power, gender and sexuality *are* inherently spatial since their disciplinary technologies depend upon particular enclosures of space. In *The History of Sexuality, Vol. I*, Foucault examines how European social and institutional settings profoundly shaped understandings of sexuality. From ancient times through the present, Foucault discovers that these understandings of sexuality were not static. On the contrary, they were adaptable depending on the status, class, gender, age, and place of those individuals concerned. These understandings were subsequently combined into objects of "discourse," or organized bodies of knowledge, that delimited the channels of particular sexual expression in some arenas while expanding them in others.<sup>38</sup> Foucault's analysis exposes the machinery through which the state effortlessly recruits the consent of citizens in their own self-disciplining. But, more than that, Foucault's analysis suggests that spatialization has always been implicated in the production of "disciplined"—sexually normative—citizens.

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<sup>38</sup> Michel Foucault, *The History of Sexuality, Volume I: An Introduction* (New York: Random House, 1978).

For Foucault, sexual dissidence along with criminality, madness, and sickness can be traced historically in their “Otherness” to European Victorian norms. According to Chris Philo’s reading of Foucault’s spatial interventions, these categories of exclusion (and inclusion) can be gleaned through spatial relationships. Philo explains that “Reason,” or sameness, has continually distinguished, labeled, and demonized and sought to exclude, either through banishment or incarceration, “Unreason,” or the Other. He adds that Foucault’s interest in the segregation and exclusion of the Other from the “Same” in the built environment enables Foucault to formulate madness and reason, sickness and health in spatial terms. Foucault’s spatialization of power is clearly articulated in his focus on “the bricks-and-mortar solutions of separate institutions,” such as asylums, hospitals, and prisons (i.e., the Panopticon) that were fashioned to enclose, rehabilitate, and, at times, restore to sanity those demonstrating the stigmata of difference.<sup>39</sup> Space, simply put, functions as a medium that doles out not only discipline and punishment, but also normativity and social value.<sup>40</sup> Thus, as Foucault succinctly puts it, in time, “the architectural means reproduce...the social hierarchies.”<sup>41</sup> Foucault’s

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<sup>39</sup> Chris Philo, “Michel Foucault,” in *Key Thinkers on Space and Place*, ed. Phil Hubbard and Rob Kitchin, 162-70 (London: Sage, 2001).

<sup>40</sup> Michel Foucault’s varied conceptualizations of power have served as the basis for profound theorizations of space. In addition to arguing that power be comprehended through its microphysics, including its procedures, techniques, and targets, Foucault also analyzed a host of disciplinary mechanisms orchestrated in the nineteenth-century, all of which relied upon the detailed manipulation of space. One of these spatial innovations was the high-walled Panopticon. Its internal spatial structures were arranged in such a way that the constant threat of inspection loomed for the prisoner. Foucault argued that this invisible surveillance prompted prisoners to turn the inspection tower’s ever so-watchful gaze inwards. See: Michel Foucault, *Discipline and Punish: The Birth of the Prison* (London: Allen Lane, 1976).

<sup>41</sup> Michel Foucault, “Space, Knowledge, and Power,” in *The Foucault Reader*, ed. Paul Rabinow (New York: Vintage, 1984), 252



spatial sensitivity encourages us to consider the countless other sites which remain embedded in the production of “disciplined” subjects.<sup>42</sup>

Space is not the only medium that is organized around neoliberal logics of capital accumulation and heteronormativity. Situated within this structure is also time. In late capitalism, as cultural critic J. Jack Halberstam contends, life has become progressively arranged around spatial and temporal frames of “bourgeois reproduction and family, longevity, risk/safety, and inheritance.”<sup>43</sup> This trajectory of universalized life experiences, revolving around consumer capitalism and reproductive labor, standardizes domestic consumption, private property, and wealth accumulation as arbiters of social value. When time and space are understood through capitalist and heteronormative rubrics, cultural theorist Lisa Cacho argues, social value is denied to those whose lives exist outside the “conventional logics of development, maturity, adulthood, and responsibility.”<sup>44</sup> If social value is doled out in line with the spatial and temporal regimes of capital accumulation and bourgeois reproduction, then cultural belonging, political enfranchisement, and social membership for historically marginalized groups will also call upon that criterion. Thus, historian Nayan Shah argues that the “norms of gender,

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<sup>42</sup> Space has been crucial to the articulation of same-sex desire in the West. Historian John D’Emilio attributes the rise of a homosexual identity and community to the rise of a free wage labor system in early-20<sup>th</sup> century United States. Since young men and women were allowed to sell their labor for wages, they were no longer wedded to their biological family for economic survival. Young men and women, thus, migrated to large, urban centers to work in newly burgeoning industries. There, they came into contact with others who shared their desires, facilitating the formation of a homosexuality. John D’Emilio, “Capitalism and Gay Identity,” in *Powers of Desire: The Politics of Sexuality*, eds. Ann Snitow, Christine Stansell, and Sharon Thompson, (New York: Monthly Review Press, 1983), 100-113.

<sup>43</sup> J. Jack Halberstam, *In a Queer Time and Place: Transgender Bodies, Subcultural Lives* (New York: New York University Press, 2005).

<sup>44</sup> Lisa M. Cacho, *Social Death: Racialized Rightlessness and the Criminalization of the Unprotected* (New York: New York University Press, 2012).

sexuality, and domestic space” are crucial for historically marginalized groups in corroborating their deservingness of citizen rights, benefits, and protections.<sup>45</sup>

In *Contagious Divides*, Shah traces the processes through which public health discourses and practices transformed representations of Chinese immigrants in San Francisco at the turn of the 20<sup>th</sup> century as a “filthy” and “diseased” race to a model minority in the mid-20<sup>th</sup> century. Notions of “citizenship, conduct, and health” underwrote that passage from “menace to model minority.”<sup>46</sup> In the late-1800s, health authorities defined San Francisco’s Chinatown as “the material manifestation of the alien within the modern American city, emphasizing Chinese difference from, deviance from, and danger to white society and the American nation.”<sup>47</sup> Health officials associated the physical condition of Chinatown with the characteristics of Chinese people: an allegedly dirty and unhealthy race that bred illnesses such as bubonic plague, smallpox, and syphilis that endangered white Americans. By the 1930s, however, Chinatown was no longer judged as a threat to the rest of San Francisco. Shah shows that the acculturation of Chinese immigrants, from a bachelor society of working-class men and female prostitutes to a society of independent nuclear family households, hinged on their subscription to norms of sexual hygiene and on the reform of their housing conditions. Central to this task were second-generation Chinese-Americans, who bridged the gap between the Chinese community and dominant white society. The second-generation recognized the value of monogamous morality and domesticity to the formation of

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<sup>45</sup> Nayan Shah, *Contagious Divides: Epidemics and Race in San Francisco’s Chinatown* (Berkeley, CA: University of California Press, 2001), 254.

<sup>46</sup> *Ibid.*, 3.

<sup>47</sup> *Ibid.*, 1.

citizen-subjects. Being as second-generation Chinese-Americans were educated and connected with American voluntary associations and government institutions, they were triumphant in framing their community and its needs appear “deserving” to the majority of white constituencies. Shah’s analysis makes clear that those petitioning the state for full political access and inclusion in American society must make their behavior appear intelligible within the heteronormative calculus of gender, sexuality, and domestic space.

If racialized deviancy is refracted through the prisms of gender and sexual nonnormativity, efforts to be included within populations deemed deserving, valuable, and worthy require that marginalized groups conform to the norms of gender, sexuality, and domestic space commemorated as universally American and indicative of an imagined national family. Given this rationale, it makes sense that gay community activists prioritized a culture and politics of homonormativity in their mobilization for political enfranchisement and social membership. Since space acts as a medium that facilitates the reconfiguration of social relations, it also makes sense that gay leaders relied on the spatiality and temporality of homonormativity to certify their rights-based claims on the state.

As a result of the normalizing implications of gay residential and commercial spaces, white gay leaders are readily invested in the protection of said spaces. Like I discuss above in regards to homeless queer and trans youth of color, this spatial normalization, however, hinges on the sanitation of those queer identities and practices deemed to be menacing to the group’s overarching goals of state recognition. Another prime example of this literal and figurative purification is evident in the criminalization

of public sex cultures and commercial sex establishments. Speaking in regards to the privatization of same-sex desires through spatial fixes, geographer Dereka Rushbrook comments, “The state has an interest in shaping the forms of (nonthreatening) gay space that are legitimized; by offering tolerance, if not acceptance, the state can elicit appropriate behavior from queers who police themselves, assuaging the state’s moral anxieties.”<sup>48</sup> Rushbrook alerts us to the centrality of homonormativity in the spatial legitimization of raced- and class-based iterations of same-sex desire in late capitalism. When the legal system continuously presents roadblocks to the cultural belonging and political enfranchisement of marginalized communities, leaders—at least those not barred from the private real estate market—take on the task of manipulating space in such a way that it showcases the social value of those groups.

In the wake of the HIV/AIDS epidemic in the 1980s, gay rights advocates sought to bypass the devaluing stigma attached to homosexuality by emphasizing other signifiers of value such as intimacy, morality, privacy, and respectability. But, in doing so, they engaged in a violent process of relational valuing. Gay leaders insisted on the moral cleanliness of white gay men in opposition to AIDS moral panic discourses that were racialized. They upheld racialized norms of sexual hygiene—gender, sexuality, and domestic space—as criteria by which to detect someone’s social value. Citing Lindon Barrett who claims that the “object” of value needs an “other” of value as its negative referent, Cacho argues, “The act of ascribing legible, intelligible, and normative value is

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<sup>48</sup> Rushbrook, “Cities, Queer Spaces, and the Cosmopolitan Tourist,” 195.

inherently violent and relationally valuing.”<sup>49</sup> The process of valuation, in other words, is contingent, differential, and intersecting. Gay leaders labored to distance white gay men from the racialized poor who were alleged to engage in non-normative gender and sexual habits. In media accounts, these leaders actively denied and explicitly refused any public sympathy towards sex workers of color. At the same time, they evoked public sympathy for those white gay men whose embodiment of domesticity and privacy harkened to pre-existing cultural frameworks of social value. In the case of Minnesota, gay leaders insisted that some white gay men with HIV/AIDS deserved compassion and respect because these men adhered to Midwestern cultural and ideological formations of domesticity, morality, privacy, and responsibility. By choosing to become valuable members of society through the reification of gender, sexual, and domestic space norms, these gay rights advocates validated the exclusionary methods for assigning social value.

In this dissertation, I argue that the racialized moral panic associated with the HIV/AIDS epidemic, anti-gay hate violence, racialized poverty, and the war on drugs became a crucial site for securing the central and dominant position of white supremacy. This re-assertion happened in the context of a precarious and vulnerable cultural position for white heteropatriarchy. The HIV/AIDS epidemic, along with a number of related media-driven racialized moral panics, represented whiteness under siege. Single mothers of color and sex workers of color activated racial anxieties pertaining to the dwindling dominance of whiteness. These racial denizens mobilized white gay leaders into a nascent (homo)national collective over and against racialized subjects who undermined

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<sup>49</sup> Cacho, *Social Death*, 149.

the morality and respectability on which white gay leaders were rallying to secure access into the cultural, economic, and social order of white heteropatriarchy. The centrality of the HIV/AIDS epidemic in the homonormalization of white gay men notifies us of the significance of engaging with the institution of public health to more accurately understand processes of gay relational valuing vis-à-vis race.

My argument confirms that public health serves a key role in consolidating the racial and sexual metrics under which American citizenship is determined in the United States. In her account of public health in Los Angeles from the late-19<sup>th</sup> century through the mid-20<sup>th</sup> century, *Fit to be Citizens*, historian Natalia Molina argues that by approaching public health as a comparative site of racialization, we can assess the processes through which health officials at the local level contributed to the construction of racial categories and ascertained who had access to social membership. Backed with the language of scientific objectivity, public health authorities wielded tremendous amount of institutional power by disseminating discourses that explained the health problems plaguing Chinese, Japanese, and Mexican immigrants as deficiencies in their biological capacities and cultural practices. Health authorities were, therefore, paramount in deciding which populations were “fit” to comprise part of the body politic. In establishing racialized norms of sexual hygiene as the standards for American social membership, health authorities codified criteria that made some people appear capable, deserving, and worthy members of society, and others not quite so. Molina concludes that “cleanliness” functioned as a moral and patriotic medium that offered marginalized communities with a discursive space to vouch for their deservingness of American

citizenship.<sup>50</sup> Molina's analysis affirms how public health has historically contributed to the racialization of nonwhite groups as immoral, unassimilable, and unhygienic and, by extension, redefined citizenship in racialized and medicalized tropes.

Molina and Shah's analyses enable us to consider how public health also prescribed the terms of inclusion for white gay men. During the HIV/AIDS epidemic, public health discourse treated racial and homosexual difference as the negative referents through which American moral cleanliness and nuclear-family domesticity could be established. Race and sexuality were the organizing principles in the containment of HIV. They served as the "interpretive framework" for making sense of the disease's outbreak and mobilizing strategies for its containment.<sup>51</sup> The HIV/AIDS epidemic, therefore, was understood as much by sociocultural beliefs about the perceived immorality of racial and sexual minorities. And yet, white gay leaders—given their racial and class access to dominant institutions—were able to downplay the public health emphasis placed on sexual difference as the root of the HIV/AIDS epidemic, while inflating that of racial difference.

During the HIV/AIDS epidemic, racial ideologies and meanings pertaining to health and citizenship were recast to make way for the incorporation of some white gay men and lesbians. Gay leaders appropriated these discourses of public health to expand the racial category of whiteness to include themselves and some of their constituents.

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<sup>50</sup> The representation of Chinese, Japanese, and Mexicans in Los Angeles as threats to public health and civic well-being masked the structural factors that actually did cause communicable disease and illness to travel: inadequate medical care, exposure to raw sewage, and malnutrition. Molina, therefore, concludes that disease and illness were determined as much by "sociocultural beliefs in the inherent uncleanness of immigrants and nonwhite as by biological explanations." Natalia Molina, *Fit to be Citizens: Public Health and Race in Los Angeles, 1879-1939* (Berkeley, CA: University of California Press, 2006), 2.

<sup>51</sup> *Ibid.*, 68.

But, as a result, they embraced certain narratives that attributed the health problems facing those most at risk for HIV as a product of their own behavioral practices and cultural shortcomings. They also endorsed the social practices of modern disciplinary institutions such as law enforcement, media, public health, and public housing. Leaders accentuated their racial identity and class status similarities to dominant white society so as to authenticate the validity of their rights-based claims on the state for privacy. By engaging prevailing norms of gender, sexuality, and domestic space, those in positions of power within the gay community aspired to convey the worthiness of other white gay men as a strategy to recoup the resources associated with American citizenship.

Gay leaders reinterpreted their identity and their relationship to the nation-state through a racially coded language of hygiene and health, and through practices of relational valuing. Specifically, the public health narrative that treated homosexuals as a menace to the nation in the 1980s served as the basis of white normative recovery. The claim to citizenship and cultural belonging articulated by white gay leaders depended upon the performance of normative sexual hygiene and privatized spatial arrangements—what I call racialized norms of sexual hygiene and I define to include domesticity, intimacy, privacy, and responsibility. Leaders embraced racialized norms of sexual hygiene as part of the proper biological and moral cultivation necessary for marginalized communities to achieve should they seek to certify the validity of their claims for state recognition. Racialized norms of sexual hygiene, temporally demarcated by reproductive futurism, are outlined by explicit gender roles and spatial manipulations of the private



and public sphere.<sup>52</sup> Leaders understood that assimilation into modern nuclear families and middle-class habits and sensibilities would facilitate the integration of the gay community into American society. They did not question the use of this framework; they only insisted that white gay men were, in fact, quite normal.

Gay community activists linked the practices of individual health and sexuality to the collective social well-being of the gay community. They believed that the sexual activity of gay individual men either bolstered or threatened the racial premise upon which they were petitioning the state. Sexual practices that violated this white, middle-class, domestic ideal were considered detrimental to the homonormalization of white gay men as they confirmed that the gay community was in closer proximity to the sexual practices associated with poor, people of color. Hence, white gay leaders suggested that white gay men, as a series of middle-class, self-contained private households preserved the sexual normativity of whiteness and, thus, enriched the nation at a moment in time when the supremacy of whiteness and the ascendancy of the United States was threatened.

Gay rights advocates knew that in order to marshal sympathy for the gay community, they had to reform mainstream representations of white gay men as promiscuous sex addicts to images of assimilating, Americanized nuclear households. The portrayal of white gay men as law-abiding and moral increased their standing as citizens that deserved rights, benefits, and protections from the state. To dislodge

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<sup>52</sup> With my concept of racialized norms of sexual hygiene, I build upon Shah's model of respectable domesticity. Writing in regards to Chinese bachelors and prostitutes in San Francisco's Chinatown in the early 1900s, Shah defines respectable domesticity as the standard of gender, sexuality, and domestic space upon which social membership was prescribed in the United States. Shah, *Contagious Divides*.

portrayals of deviance and disease that proliferated in regards to the gay community during the HIV/AIDS epidemic, gay leaders highlighted those members who had successfully assimilated to middle-class norms of domestic consumerism, private property, and sexual hygiene. This approach entailed significant consequences for those who operated outside the rubric of respectable domesticity—namely, poor, queers of color, and sex workers of color. Leaders demonized queer and trans sex workers of color and promiscuous gay men as an immoral cadre that frequented bathhouses and that cruised around for public sex. These discursive strategies divided the gay community along a distinction of aberrant and normal. White, middle-class same-sex households garnered entry into the “normal” side of that binary unlike queer and trans sex workers of color who remained framed as “aberrant.” With the inclusion of white, middle-class same-sex households into the body politic, the binary of aberrant and normal persisted; the dividing line merely shifted.

We can attribute the exclusion of such recalcitrant subjects to an instance of racial uplift by gay community activists. This strategy illustrates that the terms of legal recognition and social acceptance in the United States commend nuclear family domesticity while they conserve the state’s exclusionary practices. But because of their racial, class, and gender privilege in accessing dominant institutions and resources, gay leaders were able to contest and rewrite the terms of their cultural and political alienation. Preserving whiteness involved mobilizing racialized norms of sexual hygiene that demonized the racialized poor. Health authorities and civic officials used race as one of the organizing principles to understand HIV. This approach added a racialized dimension

to discussions over the disease's transmission. In turn, public health discourses and practices played a key role in marking racialized populations outside the bounds of social membership. Through punitive ordinances and policies, health authorities singled out some people as capable, deserving, and worthy of citizenship and others incapable of such participation. Such ordinances and policies helped to circulate constructed categories of blacks, and Native Americans as unclean, ignorant of basic hygienic practices, and unwitting hosts for communicable sexually transmitted diseases. These representations were then reflected in medical and media narratives pertaining to the disease and public policy. Health authorities reinforced these accounts in the press by disseminating textual representations of people of color as immoral and promiscuous.

The medical and social knowledge regarding transmission emerged in a neoliberal context shaped by deindustrialization, the withdrawal in social welfare services, intense anti-black and Latinx sentiment, and the "culture wars" of the 1980s. The influx of non-white urban migrants to the Twin Cities helped restabilize the white racial order by opening citizenship to white gay men. Urban migrants of color to Minneapolis were regarded as disease-ridden, foreign, and subordinate. As the number of urban migrants of color increased, concerns over how their presence might impact the economic, physical, and social landscape of the city also intensified. There was a deep-rooted concern that the racialized poor would undermine the norms of white American society and would, therefore, endanger the prosperity and vitality of the nation-state. The portrayal of urban migrants of color as threats to the public health and civic well-being rendered invisible the root causes of their socio-economic (dis)location: discrimination, injustice, and

poverty. Instead, health authorities, housing officials, law enforcement, and civic leaders crafted a narrative that traced their socio-economic location to a wide array of perceived cultural and social differences.

Health authorities and civic leaders exploited the widespread perception that urban migrants threatened the health of the city in both a material and metaphorical sense to enact legislation that curtailed public sexual cultures while bolstering private development. Health authorities pursued sex workers of color as medical menaces that needed to be physically distanced from the general public. They endorsed ordinances and policies such as contact tracing, non-compliance, and quarantine. These ordinances and policies were not based on scientific objectivity. On the contrary, they were shaped by racially charged visions of the culturally intractable sex habits of people of color. Health authorities and civic leaders employed racially-biased public health standards as the basis for implementing legislation that delimited the activities of sex workers of color. In so doing, they reframed racial difference as a public health concern. This move legitimated practices that might have otherwise been challenged if their racist intent were more explicitly stated. Public health, thus, provided a shield to protect racist sentiment in a putatively colorblind social milieu. On the other hand, the programs directed at single mothers of color living in public housing made use of tropes of Americanization and citizenship to discipline these women for their perceived hyper-fertility. On their first step towards assimilation, single mothers of color were encouraged to embrace the benefits of a healthy lifestyle, including diet and sexual hygiene.

The racialized poor served as the ideological boundary around where social value was anchored. The aberration of sex workers of color and the deviance of single mothers of color operated as an ontological foil in the articulation of white gay social worth. The establishment of racialized bodies, conduct, and space ushered significant consequences for white gay men. Health discourses and practices employed to define, contain, and regulate racial difference provided whiteness with a set of corresponding criteria upon which it could immunize itself. These public health-generated demarcations pertaining to racial identity and embodiment generated strict racial boundaries that were in turn transplanted onto the geography and social space of the Twin Cities. Authorities perceived poor, people of color as producing a sexual and social subjectivity that ran incommensurate to American sexual typologies of heterosexual married life and that threatened the image of the city. To protect white civilized behavior, health authorities commanded that the racialized poor embrace racialized norms of sexual hygiene, complete with domestic living quarters, marriage, moral cleanliness, and private nuclear households. But, in actuality, heterosexual marriage and respectable domesticity were meant to minimize the state's role in doling out social welfare services to its citizenry, much like homonormativity was meant to obscure the state's failure in curtailing rates of HIV and not providing its citizenry with basic health care.

In the 1980s, just as Minneapolis was coming into its own as a post-industrial service-oriented city, city officials wanted to promote the image of the city as economically prosperous. However, reference to non-white urban migrants marred such an idyllic image of the city. The trope of public health became powerfully intertwined

with private development so that both institutions worked to advertise the economically prosperous potential of the city as the nucleus of business, culture, and tourism in the Upper Midwest. Under this formulation, urban migrants of color were perceived as carriers of disease and purveyors of vice. These perceptions were codified into punitive legislation—such as HIV-prevention and the deconcentration of poverty—that proceeded from an assumption in the sexual deviance of the racialized poor. These practices of urban public health reform, in turn, upheld economic and political trends towards gentrification. Eventually, the public health management apparatus merged with efforts to revitalize downtown Minneapolis and its surrounding neighborhoods.

During the initial wake of the HIV/AIDS epidemic, the public health portrayal of gay residential and commercial enclaves as the nexus of depravity, disease, and death spread throughout central cities in the United States, such as New York's Greenwich Village and San Francisco's Castro District. Health authorities, conservative politicians, and law enforcement officials warned that commercial sex establishments— bathhouses, bookstores, and theaters—and the public sexual cultures that emanated from such spaces fostered perverse intimate encounters between queer and trans sex workers of color and white, married men that subsequently bred contagion and fueled the transmission of the virus to white Americans. Owing to that fear, health authorities characterized commercial sex establishments, in particular bathhouses, as the physical manifestation of racial and sexual Otherness. For health authorities, bathhouses emphasized gay male sexuality's difference from American sexual norms of hygiene and thus confirmed their threat to the health of the nation. Indeed, bathhouses and other commercial sex establishments

generated alternative social possibilities and knowledge of social relations that posed a formidable threat to the racialized norms of respectable domesticity. But, white gay leaders refused to acknowledge such queer alternatives to heteronormative domesticity and privacy; if they defended such establishments at all, they did so on the Constitutional basis of “privacy.” Bathhouses were deemed threatening not just because they facilitated the transmission of racial contagion into white suburban spaces. Bathhouses were also physical obstacles to the neoliberalization of urban space. On account of the roadblocks that such establishments posed for urban revitalization, public health discourses of racialized contagion were readily applied to commercial sex establishments and public sex cultures in hopes of affirming their physical and symbolic eradication. The stigmatization of commercial sex establishments and public sexual cultures makes clear that explanations for the transmission of HIV were as much rooted in theories of racialized sexual deviance as they were harnessed to promote private development.

These punitive HIV and anti-poverty policies called for the spatial and social division of certain people, for instance, sex workers of color, and of certain practices, such as public sex, marked as hazards. This showcases how public health can sustain racial segregation and exclusion by mobilizing the interests of private capital in the promotion of central cities.<sup>53</sup> Through their endorsement of a culture and politics of

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<sup>53</sup> Molina writes that public health in Los Angeles from the late-19<sup>th</sup> century to the mid-20<sup>th</sup> century also came to exert a force that reached well beyond the realm of health. Public and private discussions in the late 1800s in regards to maintaining a high standard of public health were laced with references to the economic dangers posed by the city’s immigrant communities to the city. That is why, public health had a dual mission of promoting and preserving the biological health of citizens as well as promoting and preserving the cultural and economic well-being of the city. Sanitation and good health were central to the image of Los Angeles as a pristine, idyllic, and modern destination. Molina writes, “Safeguarding the city’s image and protecting its citizens’ health were two sides of a single coin.” Molina, *Fit to be Citizens*, 27.

homonormativity, white gay leaders prescribed specific spatial arrangements of the private and public sphere that lend themselves to the gentrification of central cities. Since public health had the legal authority to regulate people's conduct and private property for the health and well-being of the citizenry, it regimented strategies of surveillance, documentation, and quarantine—all of which contributed to gentrification, either directly through the closing of commercial sex establishments, or indirectly through the revanchist policing of inner-city neighborhoods for sex workers and would-be public sex cruisers. Similarly, anti-poverty policies, such as the deconcentration of poverty, called for the restructuring of public housing in such a manner that it encouraged heteronormativity among the racialized poor and primed these low-income, inner-city neighborhoods for a surge in private capital.

Eventually, by the mid-1990s, gender and sexual norms were recalibrated for a burgeoning neoliberal social order. With the introduction of new life-sustaining AIDS medications, white gay leaders and their constituents were able to offer an alternative representation of homosexual difference, one that openly embraced private property, respectable domesticity, and whiteness. From a difference that imperiled the moral order and the public health of the nation, homosexuality was remade into a formation in accordance with neoliberal ideologies for the purpose of revamping the urban landscape. Nonetheless, because their incorporation was contingent on racialized norms of sexual hygiene, white gay leaders augmented fears communicated in dominant white representations of the racialized poor as breeding anomalous gender roles, immoral sexual practices, and polluted urban spaces. Establishing their racial privilege required



that white gay leaders define themselves in contradistinction to the sexual otherness that underpinned racial difference. And, since they placed moral cleanliness, private property, and respectable domesticity at the center of entitlement claims, white gay leaders fortified the notion that only those with social value could be conferred with citizenship.

### **Neoliberal Spatial Fix.**

The reform of housing conditions—via gentrification—and the consolidation of gender and sexual norms—via homonormativity—contributed to the political enfranchisement of white gay men in the United States. This perspective, however, is difficult to gather from current studies of gentrification or studies of gay urban politics because these tend to focus on class as the overarching propeller of gay neighborhood change. As I have been arguing throughout this introduction, class does not tell the whole story. For that, we must employ a women of color feminist and queer of color critique lens that espouses intersectionality and that ties neighborhood change back to materiality. This lens enables us to observe that the management of race, gender, and sexual difference is intimately bound up within the neoliberal restructuring of space. In this section, I historicize Marxist theoretical interventions into the study of gentrification. I then propose a corrective to those theories. And I show how a white liberal discourse of “Minnesota Nice” abetted the neoliberal revamping of Minneapolis and masked its attendant racial violences.

Following a period of sustained economic devalorization and physical deterioration after World War II, many larger and older cities in North America, Europe, and Australia experienced the early instances of gentrification. The early gentrification of

these central and inner-city blighted neighborhoods commenced as a relatively isolated phenomenon in the private housing market. By the 1970s, however, in the midst of a global economic recession, gentrification became a prevalent occurrence. As a process of neighborhood change marked by an improvement in the housing stock and the relocation of young, urban professionals, gentrification systematically transformed the physical terrain along with the cultural layout and economic geographies of central cities. By reconfiguring financial, producer, and professional employment in downtown office districts, gentrification also provoked commercial revitalization along with the increase in high-end cultural and recreational amenities.<sup>54</sup>

Early theorists of gentrification described it as a process that emerged out of the shifts in the consumer patterns and lifestyles of young, urban professionals. For instance, geographer David Ley insisted that patterns of consumption determined patterns of production in post-industrial cities. According to this rationale, gentrification was the mere spatial consequence of an adjustment in consumer preferences, in which a disillusioned middle and elite class migrated back to the city from the suburbs. Geographer Neil Smith disagreed with this hypothesis, concluding that it placed an excessive amount of consideration on consumer preference. What Smith proposed, instead, was the notion that the search for a high return on productive investments was the primary reason fueling gentrification.<sup>55</sup>

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<sup>54</sup> Smith, *The New Urban Frontier*.

<sup>55</sup> Smith questioned neoclassical economic theories that posited neighborhood change as the simple result of modified consumer patterns, economic barriers, and the return relocation of the middle-class from the suburbs. For Smith, the gentrifier as consumer was only one of many actors in the process that included builders, developers, government agencies, landlords, mortgage lenders, and real estate agents. Smith

To explain both the physical and social dimensions of gentrification, Smith revised Karl Marx's theory of capitalism by centering space. This spatialized Marxism provided Smith with the framework to develop his famed concept of the "rent gap," or a historical materialist explanation for gentrification. Smith deduced that since profit drove neighborhood change, then one needed a production theory of gentrification. He observed that central and inner-city blighted neighborhoods deteriorated to a certain point before experiencing physical and social revitalization from a surge in capital. Smith noted that the economic returns (rent) recovered from buildings in any one area of the city were tied to the physical properties and use value of those buildings. When a neighborhood, usually always located in the city center away from the suburbs, entered a downward economic spiral, the actual rent would also deviate from the "potential ground rent" that landlords could recoup if they put their properties to a different land use, "best use." In due time, a valley of low rent would materialize between the city center and outer city areas. When that valley or "rent gap" was sizable, then banks, developers, and planners would be enticed by the potential rental income to be had and, as a result, would reinvest in the central and inner-city neighborhoods with new or refurbished residences and businesses for a new class of inhabitants. This private development would essentially close off the rent gap, resulting in higher rent, mortgage, and lease rents—in short, higher property values for a newly gentrified neighborhood.<sup>56</sup>

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clarified that when one considered the position of consumers and producers in gentrification then the need of production to earn a profit was a greater determining factor. Ibid.

<sup>56</sup> Ibid.

Smith's rent gap theory is noteworthy in that it exemplifies that uneven development is not a random or accidental outcome of economic growth and industrialization. Rather, uneven development is a necessary and systematic component of capitalism.<sup>57</sup> The economic devalorization and physical deterioration of central city and inner-city neighborhoods, triggered by suburbanization, made those same neighborhoods ripe for gentrification. As a manifestation of that uneven development, gentrification, therefore, is not a natural urban phenomenon denoting cultural progress or spatial evolution. On the contrary, gentrification is the result of "deliberate policies, tax credits, policing strategies, and moratoriums on low-income housing."<sup>58</sup> In short, it is a mechanical process, constructed and imposed by force. We can treat postwar redlining and gentrification in late capitalism as processes along a continuum in which private developers seek to recoup a profit in the state-subsidized private housing market.

At the core of gentrification is the movement of capital in and out of the built environment, depending upon where the rate of return is highest. Lefebvre argues that

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<sup>57</sup> Central to Smith's economic explanation of gentrification is the claim that uneven development is made possible by devalorization. Smith insists, "A theory of gentrification must explain the historical process of capital devalorization in the inner city and the precise way in which this devalorization produces the possibility of profitable *reinvestment*." Central cities, like Chicago, were adversely affected by the movement of capital to the suburbs where higher profits were viable. Given the low rates of return in the central city, investors and private developers applied a combination of concerted disinvestment and neglect that resulted in a long period of deterioration and that engendered the postwar ghettos and slums in American cities. One of the ways in which neighborhoods were disinvested was through a policy of undermaintenance. In a declining housing market, a landlord could have responded by undermaintaining his or her property. Undermaintenance, in turn, further disinvested the neighborhood as the landlord's stakes diminished. This was followed by disinvestment from banks and vandalism which further accelerated the process. When landlords were unable to collect the sufficient amount of rent to cover basic costs, buildings were subsequently abandoned. These conditions exacerbated decline since ground rent had also been contingent on the economic and physical conditions of surrounding buildings. As the neighborhood declined, the rent gap widened. Eventually, reinvestment became profitable, and gentrification occurred. Ibid.

<sup>58</sup> Sarah Schulman, *The Gentrification of the Mind: Witness to a Lost Imagination* (Berkeley, CA: University of California Press, 2013), 54.

capitalism has survived in the 20<sup>th</sup> century by one and only one means: by occupying space—that is, by producing space.<sup>59</sup> Geographer David Harvey calls this process a “spatial fix.”<sup>60</sup> After World War II, suburbanization functioned as a vehicle for capital accumulation. At the time, because profit rates in the central city were low, economic growth was not feasible. Therefore, industrial capitalism migrated to new American suburbs to meet the continued need for capital accumulation.<sup>61</sup> Alterations in the built environment—suburbanization—through profitable investment came to be a mode of securing economic growth. What this example shows us is that capital literally pursues new spaces in an effort to recoup a profit, or to mitigate any economic crisis. Capital’s ability to travel to new spaces and new markets highlights its flexibility (i.e., the inherent malleability of the liberal public-private divide of space) and its capacity to work with previously stigmatized populations (i.e., ethnic whites after World War II, and same-sex households in late capitalism). In the context of a global economic recession in the 1970s, gentrification emerged as an opportunity for capital to reconsolidate its power in the new

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<sup>59</sup> Lefebvre, *The Production of Space*.

<sup>60</sup> Writing in regards to crises of capital, Harvey argues that one of the solutions that capital undertakes to overaccumulation is a spatial fix. A spatial fix consists of moving capital or labor to a different territory and commencing production anew. David Harvey, *The Condition of Postmodernity* (Malden, MA: Blackwell Publishing, 1990), 180.

<sup>61</sup> Smith writes that the exception to the suburban migration of capital for residential construction in American cities has laid in the central business district. Beginning in the 1920s, these districts experienced significant skyscraper office construction. However, due to the suburban migration of capital, land values in the inner-city dropped relative to the central business district and the suburbs. What emerged was a valley in land values between the downtown core of cities and the suburbs. Buildings in the valley were older, and residents paid less in rent. During the period of sustained postwar suburbanization, from the 1940s to the 1960s, the valley in the land value intensified due to the persistent lack of new capital investment in the inner-city. Smith indicates that this concerted process of capital devalorization, which took place in most older American cities, gave rise to the ghettos and slums of the postwar era, neighborhoods that would eventually be gentrified once capital migrated back to the city. Smith, *The New Urban Frontier*.

uncharted terrain of the inner-city. But, unlike World War II and ethnic whites, this time capital recruited the purchasing power of white, middle-class same-sex households.

As a key theory in the study of gentrification, Smith's concept of the rent gap posits that the urban renaissance of central city neighborhoods is a process that is provoked by economic rather than cultural forces. Smith argues that the movement of capital to the suburbs and the continued devalorization of inner-cities produced a rent gap; when that rent gap was wide enough, developers rehabilitated the built environment of the city to challenge the rates of return elsewhere. Smith concludes that gentrification is "a structural product of the land and housing markets."<sup>62</sup> His focus on class, however, has made certain that Marxism—at the expense of a critical race or feminist approach—has dominated the study of neighborhood change. Even if profit is the primary factor fueling gentrification, it is not the sole determinant of urban revitalization. Smith and other theorists in the intellectual camp of spatialized Marxism such as Lefebvre and Harvey have failed to note the relevance of categories of social difference in propelling neighborhood change in late capitalism and, by extension, how those marginalized populations are normalized through gentrification schemes.

If gentrification is inherently bound up with the patterns and rhythms of capital investment and disinvestment in the built environment, then we can present gentrification as a solution, a "fix," to the public social ills of the 1980s—the HIV/AIDS epidemic and racialized poverty—events that were abetted by the state's shift towards an ethic of neoliberalism. I build upon Harvey's concept of spatial fix by defining a "neoliberal

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<sup>62</sup> Ibid., 57.

spatial fix” as an attempt to implement organizational transformation, but entirely through spatial strategies. As an example of environmentalism, a neoliberal spatial fix proceeds from an understanding that changes in the built environment can result in changes to people’s behavior. Still, as a theory of neoliberalism, it also proceeds from a faulty assumption that people are responsible for their own social circumstances and the larger social ills from which these predicaments arise. For instance, through the public health policies that authorities implemented to address the HIV/AIDS epidemic and racialized poverty, policymakers also readied urban spaces for privatization, out of a belief that alterations in the built environment—towards domestic space and moral cleanliness—would change people’s behaviors.

In the context of the HIV/AIDS epidemic and racialized poverty, policymakers believed that these matters were intensified by people’s sexually deviant behaviors and, by extension, inability to occupy public and private space in appropriate, respectable ways. To that extent, public health policies called for the criminalization of public sex, the closure of commercial sex establishments, and the reorganization of public housing—all with a spatial emphasis on racialized norms of sexual hygiene. We can, hence, treat these policies as examples of neoliberal spatial fixes, in which the state sought to remedy the visible detritus of capital—AIDS and poverty—through the application of solutions designed to generate profit via the neoliberal restructuring of urban space. Under a neoliberal spatial fix, as I show in this dissertation, the linkages between individual circumstances and social processes are reversed. This means that a neoliberal spatial fix indexes the abstraction of neoliberalism; it obscures the ways in which the state and

capital create the conditions of possibility for AIDS and poverty to materialize, in the first place. In so doing, a neoliberal spatial fix promulgates narratives of personal responsibility that attribute people's material realities to cultural deficiencies and individual shortcomings.

Because policymakers believed that sexual deviance was at the crux of the HIV/AIDS epidemic and racialized poverty—not institutional neglect, political disenfranchisement, or socio-economic disparities—gentrification, as a fix to those conditions, operated much more than to simply generate profit. As an apparatus of the neoliberal state, gentrification in the Twin Cities also functioned in the service of restoring the racial order by disciplining and remedying perceived deviations in gender and sexuality. I, therefore, emphasize the racial and sexual politics underpinning gentrification in the United States to highlight the ways that the management of race and sex have been central to the restructuring of space under neoliberalism.

My dissertation, *From Vice to Nice: Race, Sex, and the Gentrification of AIDS*, contributes to a nuanced definition of gentrification that anchors us forward in understanding contemporary neoliberal formations such as homonormativity. Although the theories of Lefebvre, Harvey, and Smith are crucial in making sense of neighborhood change in late capitalism, a one-sized model cannot account for the different species of gentrification nor the complexity of on-the-ground spatial formations. Classical urban theory—even its Marxist permutations—is not equipped to process the historical regional specificity to gentrification. The story of gentrification in Minneapolis carries with it the



potential to radically alter how we tell the story of gentrification in other parts of the country.

As I mentioned above, there is no officially-designated gay neighborhood in Minneapolis because those spaces were eradicated and gentrified. Central to that gentrification was a discourse of white liberalism that posited that, in Minneapolis, there was no need for such a space because a gay man and lesbian could be safely visible anywhere in the metropolitan region. Gay and lesbian life in the Twin Cities was and remains imagined as integrated—seamless with white heteronormativity. Gay and lesbian politicians pushed this narrative of the “middleness” of the Twin Cities to make particular raced- and classed-iterations of same-sex desire appear non-threatening, at ease, and taken for granted. Since a gay neighborhood was deemed not necessary, the perceived integration of gay and lesbian life catalyzed widespread neighborhood change. The “middleness” of Minneapolis—illustrated in the discourse of “Minnesota Nice”—underscores how a progressive ethos of white liberalism was crucial to the urban redevelopment of downtown Minneapolis and the eradication of the public sexual cultures that sought refuge there. The “middleness” of Minneapolis was not just a local formation; it helped tie the Twin Cities to a national movement of American exceptionalism, especially in light of the war on drugs, poverty, and more recently terror.

Before New York and San Francisco, the Twin Cities served as a test case for white liberalism as a racist neoliberal project—that is, racism via “nice” people. By emphasizing the violence of normalization, my dissertation tells how the category of “Minnesota Nice” operates as a racial project that harnessed a culture and politics of

homonormativity to execute the mandates of neoliberalism. As I show in this dissertation, white gay and lesbian leaders positioned homonormativity as a defining attribute of a Midwestern ethics of liberalism, progress, and tolerance. Instead of being prescribed as a threat to middle-America, homonormativity was sutured onto a discourse of Minnesota Nice, a white liberal ethos that masks a myriad of exclusions and violences. Through a culture and politics of homonormativity, some gay men and lesbians were able to secure access to privilege and power. Their social membership, nevertheless, came largely at the expense of racialized and gender non-normative constituencies. Homonormativity also occasions privatizing imperatives and redistributes resources in an upward fashion—hallmarks of neoliberalism. The interconnections between homonormativity and Midwestern values reveals Minnesota Nice to be a precursor to contemporary neoliberal formations of white liberalism. Inasmuch as the contradictions of neoliberalism were first exposed in the Twin Cities, an assessment of the Midwest as a liberal, progressive, and tolerant region must call attention to the ways in which this ethos actively colludes with racial violence. As I show in my dissertation, white liberalism capitalized on raced- and classed-iterations of gender and sexuality to reformulate the cityscape of Minneapolis in the service of codifying white heteronormativity and neoliberal capital.

The metronormative impulse of studies of homonormativity, however, prevents us from seeing how regionality can dismantle coastal narratives. This LGBT studies emphasis on the urban inadvertently works to abstract the internal workings of neoliberalism by glazing over the significance of the Midwest in fomenting a white liberalism that was imported throughout the country. I decouple homonormativity from

New York and San Francisco by showing how this politics of gay and lesbian normalization was manifest in Minnesota vis-à-vis the racialization of the poor and the disciplining of the sexually licentious. This approach helps reorient our understanding of not only gay and lesbian history, politics, and culture, but that of white liberalism.

### **Chapter Summaries.**

My dissertation, *From Vice to Nice: Race, Sex, and the Gentrification of AIDS*, consists of five chapters, tracking white gay leaders' coming into being as agents of homonormativity. In chapter one, I explore how white gay leaders linked the legislative effort to decriminalize private homosexual behavior in Minnesota, after the 1986 U.S. Supreme Court decision in *Bowers v. Hardwick*, to the creation of a new crime of public sex. Leaders designed this new crime of public sex to police dissident sexualities and to maintain a system of private property ownership, all the while channeling rewards to white, middle-class same-sex households that spatially embodied the tenets of a burgeoning culture and politics of homonormativity (i.e., domesticity, morality, privacy, responsibility). Under these terms of inclusion, the new crime of public sex reinforced the state's monopoly in determining where normative sexuality could be enacted and with whom. The inclusion of white, middle-class same-sex households within the fold of the state was not necessarily a result of progress inasmuch as it was a reflection of the inherent malleability of the public-private divide of space, shifting to bestow privacy upon previously marginalized populations so as to meet the particular ideological needs of capital. By conducting textual analysis of legal cases pertaining to convictions of sodomy, I note how white gay leaders defined privacy in relation to whiteness, anchored

in private property, and framed in terms of coupled monogamy. In other words, these demands for social membership via the private sphere of the home were racially restrictive, class contingent, and sexually delimiting.

Chapter two elaborates how gay politicians and leaders, in collaboration with law enforcement, applied the spatial strategies discussed in chapter one to promote monogamy and privacy—racialized norms of sexual hygiene—as cures for anti-gay violence. Although violence often took the form of verbal harassment and physical assault, between 1984 and 1987, Minneapolis witnessed upwards of 15 murders against gay men or trans women. Due to the indifference and incompetence of law enforcement authorities, white gay leaders founded Community United Against Violence (CUAV) to document the rising wave of violence, to demand greater protection, and to provide support and service to survivors. However, CUAV, and the mainstream LGB anti-violence movement from which it emerged, directed its actions both against and in support of state powers. By demanding the expansion of the criminal punishment system through the promotion of state-centered solutions, gay anti-violence activists mobilized moral panic discourses that were racialized to consolidate “hate crime” as a legal category. Eventually, the interests of CUAV’s leadership would come to neatly align with those of law enforcement. I analyze CUAV’s anti-violence campaign literature to underscore how gay community activists and law enforcement authorities mobilized race and private property to determine who counted as victim and who figured as criminal.

Chapter three continues to unravel the ideological origins of homonormativity in discourses and practices of racialized criminality and deviance by showing how gay

rights advocates used the HIV/AIDS epidemic as the basis of white normative recovery vis-à-vis the discursive Othering of HIV-positive sex workers of color. In reframing the HIV/AIDS epidemic as the fear of racial contagion, I illustrate how the moral panic surrounding HIV-positive sex workers of color masked deeper fears of white injury in the wake of neoliberalism's advent (i.e., deindustrialization, market deregulation, privatization). At the height of the epidemic, mainstream media publicized erroneous accounts of the epidemic's threat to white heterosexual families. By reporting on sensationalistic cases of HIV-positive sex workers of color who engaged in sexual activity with bisexual married white men, news sources exploited white public fears of AIDS to warn of the dangers of deviating from sexual monogamy and heterosexual marriage. For this chapter, I conduct textual analysis of a joint PBS and Minneapolis produced *Frontline* episode, "AIDS: A National Inquiry," revolving around Fabian Bridges, a poor, black gay man with AIDS at the center of a national media frenzy. Bridges' depiction, which characterized sex workers as socially irresponsible and pathological subjects unable to regulate their sexual impulses, urged public health departments and law enforcement agencies to abandon the civil liberties of sex workers in favor of protecting the public good via the implementation of social controls that circumscribed the freedom of movement and association of people with HIV/AIDS. In the wake of AIDS moral panic, urban policymakers pushed for these new technologies of social control to rid the public sphere of unwanted identities and practices, thus, priming central cities for the incursion of neoliberal capital and the restoration of white supremacy. Rather than challenging these racist depictions of HIV-positive sex workers

of color, gay leaders pointed to them as foils in vouching for the “worthiness” of some white gay men with HIV/AIDS.

For chapters four and five, I elucidate how public health officials and white gay leaders used morality-based policies established in chapter one to limit anonymous sex in commercial sex establishments and public sex venues, essentially shutting down these spaces and readying them for gentrification. During the height of AIDS moral panic, commercial sex establishments and public sex venues became the targets of urban renewal for a number of reasons. For one, anti-pornography feminists famously argued that adult bookstores and X-rated theaters promoted a culture of sexual violence against women. On the other hand, public health officials hypothesized that these establishments accommodated a sexual promiscuity among gay and bisexual men that facilitated the spread of the disease to white, suburban families. However, perhaps more than anything else, urban policymakers feared that the presence of commercial sex establishments and public sex venues deterred future economic investment in the downtown core of post-industrial central cities. As such, city officials used the HIV/AIDS epidemic to limit, close, or evict businesses that sold sexually explicit material or that accommodated public sexual cultures. In chapter four, I discuss the processes through which racism, morality, and private real estate interests fueled the decision making of the more conservative contingent of gay leadership, along with public health officials and city officials, to close the last remaining bathhouse in the Twin Cities, the 315 Health Club. Whereas, in chapter five, I analyze how these same dynamics emboldened city officials—with the backing of some gay residents—to crack down on public sex at Loring Park. I explore how the

misleading claims articulated by white gay journalist Randy Shilts in his 1987 publication of *And the Band Played On*, in which he notoriously insisted that gay men's sexual behaviors were partly to blame for the spread of the epidemic, influenced both an anti-bathhouse ordinance and an anti-cruising ordinance. These ordinances were designed to fight AIDS by making it harder to engage in "high-risk" sexual conduct in the city's commercial sex establishments through a policy requiring architectural changes, and the city's public parks through heightened police surveillance. As I reveal in chapters four and five, this new gay moralism that called for closures and that advocated for monogamous marriage as responsible disease prevention strategies provided for a shrunken public sphere and laid the foundation for the infrastructure of homonormative domestic privacy in line with the neoliberal restructuring of central cities.

In chapter six, I present how housing officials extended the spatial strategies applied to HIV/AIDS in the city's vice district to treat poverty in the city's skid row. In the 1990s, the U.S. Department of Urban Development (HUD) settled several meritorious lawsuits brought against the agency for racial segregation and spatial concentration of subsidized housing. The plaintiffs alleged racial discrimination on the part of HUD and local housing authorities for negligently and willfully segregating subsidized housing in minority- and poverty-concentrated neighborhoods. To settle these claims, HUD entered into consent decrees, or negotiated settlements, in more than a dozen of these cases nationwide. As I indicate, the settlement-negotiated process fit seamlessly with the neoliberal objectives of the "new" (read: neoliberal) HUD. Because housing officials characterized poverty as an urban disorder brought upon by deviant sexuality, they

attributed the failure of public housing not to institutional neglect, but to “broken families” manifested via black female-headed households and fatherless black gang members. A culture of poverty thesis, thus, fueled the gentrification of central cities, including north Minneapolis, by justifying the restructuring of public housing with a spatial emphasis on sexual hygiene. Housing officials tried to inculcate respectable domesticity among public housing residents by promoting single-family, privately-maintained suburban homes. As one of the first cities to implement a policy of dispersed, inter-mixed public housing, Minneapolis’ re-engineering of family housing held lasting consequences for the national revamping of public housing. Even though HUD officials extolled the benefits of deconcentration-policy, I reveal that efforts to deconcentrate racialized urban poverty incurred greater economic violence on public housing families. A policy of deconcentration achieved minimal residential integration. Quite the opposite, it destroyed entire neighborhoods in central cities and merely relocated poverty elsewhere for the purpose of readying these urban spaces for gentrification. Additionally, I disclose that this policy of deconcentration pushed a number of public housing families into homelessness as it likewise severed their social safety support networks. And yet, because HUD employed a liberal discourse of multiculturalism to justify the destruction of entire communities of color under the guise of opening up suburban living to these very same people, local community and housing activists could not explicitly accuse these initiatives and policies of racial discrimination. If anything, the official antiracist nature of these policies foreclosed a critique of how these policies ultimately relied on racist tropes of sexual deviance. The conclusion briefly identifies the present-day



consequences of this neoliberal spatial management of gay male sexuality and racialized poverty through a juxtaposed discussion on gay gentrification and gay tourism initiatives in the midst of increased economic divestment and political disenfranchisement among poor, people of color in Minneapolis.

Underlying these state actions of privatization in the 1980s was the erroneous argument that AIDS and poverty were the result of sexual deviance, not institutional neglect. For that reason, some conservative policymakers, including white gay leaders, adopted sexual narratives that cast specific populations (such as “sexually licentious,” unmarried black women with children) as deviant and, thus, morally “unworthy” of aid. My dissertation identifies how the racialized and classed politics of sexual respectability that emerged in response to these moral panics reinforced the exclusionary strategies performed by the modern liberal state. These politics upheld the exclusionary nature of private property and extended the norms of gender, sexuality, and domestic space upon which social membership for minority groups depends. By showing that racialized and queer strategies for integration into the middle-class depend upon private housing arrangements and patterns of respectable domesticity, I argue that the domestication of gay sexual identities and practices has, in turn, required a disavowal of public and marginalized sexual cultures, identities, and practices. These linkages between race, sexuality, and space in the management of AIDS and poverty provide us with insight into the dynamics of gentrification and public health in processes of inclusion and exclusion of marginal communities.

To showcase the ways in which racial logic evolved under neoliberalism, I compare the experiences of nonwhite groups in Minneapolis to those of gay communities, and to the dominant white population. By interrogating the role of public health as a key site of racialization, I emphasize the importance of approaching racialization from a comparative perspective by way of women of color feminism and queer of color critique. A comparative perspective showcases the ways in which racial logic assumes different forms during the same historical moment and how these are based on a particular set of gender and sexual norms.<sup>63</sup> By juxtaposing homonormative politics with discourses of racialized criminality and deviance in the restructuring of central cities, my work forwards an important contribution to ethnic, queer, and urban studies by broadening our understanding of the intersections of race, sexuality, space, and power. This project, one of the first detailed studies of the relationship between AIDS, poverty, and gentrification, also offers a special contribution to the emerging scholarship in comparative and critical ethnic studies by underscoring the generative benefit of analyzing racialized formations in relation to sexual ones via feminist and queer theorizing.

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<sup>63</sup> Molina, *Fit to be Citizens*.

## Chapter One.

### The Moral Geographies of Sodomy Repeal in the Heartland: Legal Jurisprudence, Racial Suspicion, and the Illegality of Public Sex

#### Introduction.

Prior to the 1986 U.S. Supreme Court decision in *Bowers v. Hardwick*, gay and lesbian leaders argued on behalf of sodomy repeal on the grounds that courts could not allow public animosity or social intolerance to constitutionally deprive gay men and lesbians of their right to privacy. At the height of the HIV/AIDS epidemic, however, the Court in *Bowers* was unreceptive to such a position. That case involved Michael Hardwick, a white gay Atlanta resident who was arrested after a police officer serving a warrant discovered him engaging in mutual oral sex with another man in Hardwick's private bedroom. Police charged Hardwick with sodomy, which the Georgia sodomy statute defined as "any sexual act involving the sex organs of one person and the mouth or anus of another."<sup>1</sup> On June 30, 1986, the Supreme Court, in a 5 to 4 ruling, upheld Georgia's sodomy law.<sup>2</sup> The Court ruled that the Constitution did not protect homosexual relations between consenting adults—even in the privacy of their own homes.<sup>3</sup>

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<sup>1</sup> Although the technical common-law definition of sodomy applies to anal sex, most sodomy laws referred to laws that prohibited oral and anal sex, with most of them equally applying to both heterosexuals and homosexuals. The State of Georgia insisted that homosexual sodomy did not fall within a constitutional right to privacy given the state's historical tradition against it. Georgia's Assistant Attorney General, Michael Hobbs, defended his state's sodomy law to the press claiming, "Our legal history and our social traditions have condemned this conduct." While Georgia state officials invoked "social traditions" to defend the sodomy law, Harvard law Professor Laurence Tribe, who represented Hardwick, countered that states, given the spatial boundaries of privacy, could not criminalize sodomy between consenting adult homosexuals merely with "an invocation of the majority's morality." Michael J. Bowers was Georgia's Attorney General. "Supreme Court hears debate on adults' right to practice sodomy," *Star Tribune*, Apr. 1, 1986.

<sup>2</sup> The Court did not rule whether the Constitution protected married heterosexual couples from prosecution under the law. In a notice at the bottom of Justice Byron White's majority opinion, he wrote that the Court

In ruling that homosexual sodomy was not protected by a constitutional right to privacy, the Supreme Court determined that homosexual sodomy was not fundamental—that is, traditional. Homosexual sodomy, the Court argued, was neither rooted in history nor valued by the majority of American citizens. Writing for the majority opinion, Justice Byron White labeled it “facetious” to insist that gay men and lesbians were protected by a fundamental right to privacy. The right to engage in homosexual sodomy, White declared, was not “deeply rooted in this Nation’s history and tradition.” For that reason, the Court decided *not* to strike down Georgia’s sodomy law. By limiting the “zone of privacy” to the heterosexual bedroom, the Court essentially affirmed the notion that gay men and lesbians were incapable of family, marriage, and intimacy.<sup>4</sup>

After *Bowers*, gay and lesbian leaders altered their approach to sodomy repeal. Instead of arguing that a fundamental right to privacy should extend to *all* gay men and

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expressed “no opinion” on the constitutionality of heterosexual acts of sodomy. Writing for the four dissenters, Justice Harry Blackmun criticized the Court’s “almost obsessive focus on homosexual activity” and for ignoring both the heterosexual plaintiffs in the case and Hardwick’s privacy claim. A heterosexual married couple joined Hardwick’s case, insisting they had violated aspects of the Georgia law prohibiting oral and anal sex between both heterosexuals and homosexuals. However, the Court refused to consider the claims of these heterosexual plaintiffs. Blackmun, agreeing with Hardwick’s defense team, declared that regardless how uncomfortable a certain group could make the majority of the Court feel, the Court could not allow public intolerance or animosity to “constitutionally justify the deprivation of a person’s physical liberty.” Jim Schroeder, “Sodomy statute upheld, Mn. court challenge reviewed,” *Equal Time*, Jul. 9, 1986.; Jim Schroeder, “Sodomy vote almost went other way,” *Equal Time*, Jul. 23, 1986.; Jim Schroeder, “Sodomy law unconstitutional,” *Equal Time*, Dec. 17, 1986.

<sup>3</sup> For some, the decision also reflected the government’s defense of the rights of individual states to establish moral codes. “The Supreme Court in the bedroom,” *Minneapolis Star and Tribune*, Jul. 06, 1986; “Court upholds sodomy laws//Justices rule 5-4 that homosexual acts can be banned,” *Minneapolis Star and Tribune*, Jul. 1, 1986.

<sup>4</sup> The belief that the state should not interfere in the private sexual conduct of consenting adults became popularized in the 1960s. In 1965, the Supreme Court ruled in *Griswold v. Connecticut* that there existed a “zone of privacy” within which the government could not interfere. That case involved a state law preventing the purchase of birth control by a married heterosexual couple. The ruling, however, extended to unmarried couples out of a belief that all consenting adults, regardless of their marriage status, possessed a right to sexual privacy. But, the right to consensual sex did not necessarily correspond with a guarantee to a right to privacy. *Griswold V. Connecticut*. 1965. Print.

lesbians, by virtue of constitutional guarantees, they now sought to highlight the heteronormative compliance of *some* gay men and lesbians to the institution of privacy. With this goal, gay and lesbian leaders mobilized monolithic constructions of same-sex identities and practices that prioritized a culture and politics of homonormativity. Inasmuch as they imposed a modern, Eurocentric, and allegedly universal subjectivity on all gay men and lesbians, leaders assumed that all gay men and lesbians aspired, or even desired, privacy as a symbol of the state's recognition of homosexuality.

Alternatively, in highlighting homosexual conformity to gender and sexual norms, gay and lesbian leaders extended practices of racial exclusion and racial privilege. For queers who remained the most economically and socially marginalized, privacy alone could not remedy material inequalities and social injustices conditioned by AIDS, poverty, and structural racism. Had gay and lesbian leaders thoroughly considered racial exclusion and material inequality, they would have realized that queers of color violated the norms, rights, and privileges that homonormative formations claimed to embody. Instead, gay community activists merely perceived that those who engaged in public sex did so out of internalized homophobia or gay shame. They did not contemplate that for some, public sex was an economic necessity.

In this chapter, I juxtapose the rhetoric of homonormative formations against the experiences of homeless queers of color to underscore how home and its attendant discourses and practices of privacy are not universal but rather shaped by racial and class exclusions. The Court's decision in *Bowers* encouraged gay and lesbian leaders to prohibit sex from spilling out into public spaces. By restricting sex to the private sphere

of the home, nonetheless, gay and lesbian leaders rendered those poor and queers of color that *had* to have sex in public incredibly vulnerable to surveillance and punishment.

In Minnesota, those in positions of gay and lesbian leadership organized to decriminalize private homosexual behavior after *Bowers* through a strategy that called for the criminalization of public sex. They wedded challenges to Minnesota's sodomy law to a rejection of public sexual cultures. This approach empowered gay and lesbian leaders with determining which types of same-sex identities and practices to vouch for state protection and which ones to further criminalize. Those sexual arrangements that most closely matched the racial, class, and spatial idiosyncrasies of white heteropatriarchy were also the ones that leaders could more readily recuperate as "private." On the other hand, those sexual arrangements that defied dominant raced and classed models of homosexuality were the prime targets of a newly proposed crime of public sex. In hopes of garnering support for the repeal of Minnesota's sodomy law from conservative politicians and constituents, gay and lesbian leaders proposed the public sex law to increase the policing of dissident sexualities and to maintain a system of private property ownership, all the while channeling rewards to white gay men and lesbians who spatially embodied middle-class norms of respectable domesticity. The emphasis placed on privacy reflects how gay and lesbian rights activism veered towards a neoliberal project of racial exclusion and privilege.

Beginning in the 1980s, we witnessed the emergence of a gay and lesbian politics of morality organized around heteronormative compliance. Homonormativity illustrates a tradition in which minoritarian social formations appeal and strive for recognition by the

liberal capitalist state through the performance of American norms of gender, sexuality, and domestic space. Homonormativity, therefore, does not imply a deviation from heterosexual normativity, but instead signals its convergence. Sociologist Roderick A. Ferguson likens homonormativity to an ethnic white formation. The purpose of “ethnicity” as a category is to maintain and communicate difference by consigning it to the private sphere so that the subject can occupy the universal properties of citizenship in the public sphere. Ferguson cites Karl Marx’s “On the Jewish Question,” to show how the logic of the rights-based subject mediates difference in accordance to the exigencies of citizenship. According to Marx:

Man emancipates himself politically from religion by expelling it from the sphere of public law to that of private law... [Religion] has been relegated among the numerous private interests and exiled from the life of the community as such. But one should have no illusions about the scope of political emancipation. The division of man into the public person and the private person, the displacement of religion from the state to civil society—all this is not a stage in political emancipation but its consummation.<sup>5</sup>

Marx posits that the secularization of religion creates the conditions of possibility for the Jewish subject to participate in the public sphere and to benefit from the state’s recognition. In the same way, Ferguson describes that the normalization of

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<sup>5</sup> Karl Marx, “On the Jewish Question,” in *The Marx-Engels Reader*, ed. Robert Tucker (New York: Norton & Company, 1978): 26-46.

homosexuality is contingent on confining homosexual difference to the private sphere.<sup>6</sup> Homosexual difference, as a secular element of the contemporary neoliberal state, is preserved as a private idiosyncrasy instead of being eradicated altogether. Under these circumstances, gay men and lesbians, like other marginalized populations, articulated their demands for state rights, benefits, and protections through private living arrangements.

Because in American legal tradition property has historically operated as a means to attain privacy and autonomy, private property operates as the conduit through which marginalized populations perform their social worth and characterize their intimate relations as private. The private sphere of the home is the venue through which marginalized populations enact and legitimate citizen claims. Within Anglo-American legal tradition, private property is that shield, in theory, that protects the autonomous individual from both the public gaze and the watchful eye of the state.<sup>7</sup> In practice, however, private property is not enough to deter the ever-curious gaze of the public and the ever so suspicious glare of the state. After all, the state holds a vested interest in sexually regulating the private bedroom. The private sphere of the home, as a result, necessitates an affiliation with the illusory and universal itineraries of white heteropatriarchy to lay claim to the rights and privileges of American citizenship.

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<sup>6</sup> Roderick A. Ferguson, "Race-ing Homonormativity: Citizenship, Sociology and Gay Identity," in *Black Queer Studies: A Critical Anthology*, ed. E. Patrick Johnson and Mae G. Henderson (Durham: Duke University Press, 2005): 52-67.

<sup>7</sup> Nicholas Blomley, "The Borrowed View: Privacy, Propriety, and the Entanglements of Property," *Law & Social Inquiry* 30.4 (2005): 617- 661.



In the West, heteronormativity occupies the top-tier of the sexual hierarchy. To that extent, in attempting to garner constitutionally protected sexual privacy post-*Bowers*, gay and lesbian leaders appealed to heteronormative discourses and practices. In *Contagious Divides*, historian Nayan Shah traces the processes through which public health discourses and practices transformed representations of Chinese immigrants in San Francisco in the nineteenth century as a “filthy” and “diseased” race to a model minority in the mid-twentieth century. Shah observes that community claims for Chinese American citizenship and cultural belonging depended upon a strategy of assimilation that privileged the performance of American norms of gender, sexuality, and domestic space. He explains, “In order to be a candidate for inclusion, the previously unreformed have to prove that their conduct makes them worthy of participation in society and governance.”<sup>8</sup> Shah argues that Chinese American activists, in a quest for welfare resources and housing entitlements, highlighted those members of the community who effectively modeled middle-class norms of respectable domesticity while simultaneously ignoring those unable (or unwilling) to adhere to such domestic arrangements, consumption patterns, and proper social conduct, including Chinese bachelors and female prostitutes. Given this paradox, Shah concludes that “the terms of assimilation that privilege nuclear family domesticity allow only limited inclusion and enable the resilience of exclusionary strategies in U.S. liberal democracy.”<sup>9</sup> In reifying heterosexual family formations as natural, normal, and universal, this strategy of assimilation

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<sup>8</sup> Nayan Shah, *Contagious Divides: Epidemics and Race in San Francisco's Chinatown* (Berkeley, CA: University of California Press, 2001), 253.

<sup>9</sup> Ibid.

strengthens the foundations of domestic space as a private consumer-oriented sphere of racial exclusion and gender insubordination. More expansively, Shah's critical intervention reminds us that the formation of the citizen-subject in society hinges upon the performance of norms of conduct and nuclear family domesticity—what I call “racialized norms of sexual hygiene.” In a similar vein to Chinese Americans' quest for citizenship and entitlement through the public performance of respectable domesticity and coupled, heterosexual intimacy, gay men and lesbians have had to contend with dominant representations that cast them as sexually aberrant.

In the 1980s, at the height of the HIV/AIDS epidemic in the United States, moral conservatives circulated mass messages that gay men were dying, not because of institutional neglect, but because of sexual promiscuity. This rhetoric of blame was particularly salient in discourses by both opponents and proponents of sodomy repeal. In Minnesota, while supporters of sodomy repeal warned of the law's impact on the liberal reputation of the state, other more conservative interests embraced the statute, insisting that it elevated the state to a moral high ground. Both sides argued on behalf of a white liberal discourse of “Minnesota Nice” to assert the moral superiority of the region. The Berean League, a Christian public affairs group that advocated the use of public law to maintain society's sexual health and morality, expanded its frame of reference beyond morality and tradition. The Christian group harnessed the scientific objectivity of public health to push for the enforcement of the sodomy law against gay men. Taking a cue from wider media and public policy discourse, the Berean League characterized gay male

sexuality as a public health hazard through the spread of HIV.<sup>10</sup> The Berean League's position on the issue was not unpopular. A large portion of the American population agreed with the Supreme Court's *Bowers* decision that homosexual relations in private should not be constitutionally protected. According to a Gallup Poll, in 1986, the year *Bowers* was handed down, 54 percent of Americans said that homosexual relations between consenting adults should not be legal, and 51 percent of Americans said they approved of *Bowers*.<sup>11</sup> Society and policymakers' perception of gay male sexuality as chaotic, deviant, and pathological, during the AIDS crisis, helps explain why gay and lesbian leaders labored to portray gay male sexuality as "normal" through the institution of privacy.

During the AIDS crisis, gay and lesbian leaders characterized some gay men and lesbians as worthy of rights vis-à-vis performative norms of gender, sexuality, and domestic space. Put another way, homonormative formations achieved cultural normativity and state legitimacy by appealing to neoliberal capital's investment in privacy. Such understandings of sexuality, including which ones are considered normal, vary over time and space as social representations of different sexual identities and practices circulate and are contested, and, as I argue, fluctuations in the private real estate market ebb and flow. Cultural anthropologist Gayle Rubin emphasizes that the "most acceptable excuses" for exempting particular erotic behavior from being considered

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<sup>10</sup> Kate Parry, "ACLU offers help in challenge to sodomy law," *Star and Tribune* (Minneapolis, MN), Jul. 25, 1986.

<sup>11</sup> George Gallup Jr., *The Gallup Poll: Public Opinion 1986*, at 213-14 (1987).

negative is “marriage, reproduction, and love.”<sup>12</sup> If we apply Rubin’s logic to our discussion, we can see how gay men and lesbians who participate in the institution of privacy can more easily transition from being highly stigmatized to being considered (somewhat more) acceptable. Privileged by the state, media, and law as natural, normal, and healthy, heteronormativity is the arrangement that “bad” sexual subjects who are denied the right to privacy will attempt to emulate. As defined by Lauren Berlant and Michael Warner, heteronormativity consists of “the institutions, structures of understanding, and practical orientations that make heterosexuality coherent, organized as a sexuality, but also privileged.”<sup>13</sup> Heteronormativity is a particular form of heterosexuality that is made to appear natural and normal.

Berlant and Warner rightfully distinguish between heteronormativity and heterosexuality. And yet, in describing the distinction between the two concepts, they claim that “one of the most conspicuous differences” between the two is that heteronormativity has “no parallel, unlike heterosexuality, which organizes homosexuality as its opposite.” They explain that “it would not be possible to speak of ‘homonormativity’ in the same sense” as heteronormativity because homosexuality lacks “the invisible, tacit, society-founding rightness” that heterosexuality enjoys. Through a single-issue focus on sexuality, Berlant and Warner overlook how race and class circumscribe access to privacy, property, and propriety—systems that lay the social

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<sup>12</sup> Gayle Rubin, “Thinking Sex: Notes for a Radical Theory of the Politics of Sexuality,” in *The Lesbian and Gay Studies Reader*, ed. Henry Abelove, Michele Aina Barale, and David M. Halperin (New York: Routledge, 1993): 11.

<sup>13</sup> Lauren Berlant and Michael Warner, “Sex in Public,” *Critical Inquiry* 24 (Winter 1998): 548.

infrastructure of homonormativity.<sup>14</sup> Such an omission, I argue, was also at the center of sodomy repeal efforts by gay and lesbian leaders after *Bowers*. Since heteronormativity is organized around coupling, reproduction, consensual sex and love, it is ideologically fixated around the privacy of the home and, by extension, is spatially anchored to private property, institutions which are animated by both racial and class exclusions.

Private property, as conjugated through gender and sexual normativity, serves as the locus for negotiating inclusion into the body politic. In addition to being central to the maintenance and reproduction of social hierarchies, private property is essential to the economic wellbeing of a private real estate market. In postwar America, the single-family ranch-style bungalow became foundational to the expansion of an industrial economy of production. This idealized Western home, which coupled beliefs of love and intimacy with convictions of commitment and reproductive futurism, championed capital accumulation by encouraging an aspirational form of homeownership that proved profitable to banks, construction industries, and real estate firms. The nuclear family and its spatial-temporal anchor to the private home were, in turn, crucial to the geographic expansion of modern, Western cities, and to national projects of liberal citizen-subject development.<sup>15</sup> We witness a similar feat beginning in the mid-1980s and culminating in the 1990s when homonormativity becomes essential to neoliberal capital in the gentrification of central U.S. cities—through the expansion of private property, the privatization of public space, the endorsement of privacy, and the curtailment of public

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<sup>14</sup> Ibid.

<sup>15</sup> Phil Hubbard, “Domesticating Sex,” in *Cities and Sexualities* (New York: Routledge, 2012); Elaine Tyler May, *Homeward Bound: American Families in the Cold War Era* (New York: Basic Books, 1988).

social services previously administered by the state. Homonormative formations, thus, materialize out of a historical setting in which the liberal capitalist state ushers in a new mode of governmentality. As the liberal capitalist state discarded its welfare provisions, homonormative formations emerged to justify said shifts in the political economy of American central cities. Since a culture and politics of homonormativity is synonymous with neoliberal capitalist expansion—where gay identities and practices coincide with privacy, private property, and propriety—the inclusion of (white) gay men and lesbians within the fold of the private sphere does not so much reflect society’s newfound tolerance. On the contrary, it confirms the inherent malleability of the liberal public-private framework of space to shift depending upon the ideological and material needs of capital in times of crises.

Distinctions between public and private space are incredibly flexible. This flexibility is a result of capital’s need to continuously move the dividing line to fulfill particular ideological mandates. Instead of being *a priori*, normal, or universal, the distinction between public and private is itself a social product that conforms to ideologies of the moment.<sup>16</sup> The nature of capital helps explain why (white) gay men and

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<sup>16</sup> Capital, in addition to the imperatives of the state, plays a central role in fashioning the social meanings attached to space. For instance, industrialization and urbanization in the West beginning in the mid-1850s radically reshaped people’s perception of space. In his seminal text, “Capitalism and Gay Identity,” John D’Emilio argues that the growth of American cities in the early twentieth century facilitated the development of a homosexual identity and community. Industrialization and urbanization impacted individual’s lives by altering gender roles and sexual behaviors. Prior to industrialization and urbanization, unmarried people of all ages resided and functioned economically within their biological families. However, as D’Emilio shows, with the rise of industrial capitalism, families no longer functioned as the primary economic unit. While the United States shifted from an agricultural economy to an industry-based economy, many young men and women abandoned the family unit and relocated from small towns and farms to urban centers to sell their labor for wages. Thus, D’Emilio concludes that the rise of the free wage labor system brought men and women who shared same-sex desires into contact with one another, facilitating sexuality’s shift from behavior to identity. Despite the groundbreaking nature of his claims,

lesbians went from being denied sexual privacy in 1986 via *Bowers* to being conferred with the right to same-sex marriage—the bedrock institution of society—in 2015 in *Obergefell v. Hodges*, all within the span of a few decades just as the neoliberal city came to fruition with its policies and practices of accumulation, dispossession, and privatization. Homonormativity, given these points, depends upon a public-private distinction of space to maintain its illusion of naturalness, alongside the institution of heteronormativity. As I show in this chapter, homeless queers of color and other manifestations of dissident sexuality, undermine the universality of that privacy by underscoring the racial and class exclusions of private property.

For gay men and lesbians, the spatial enactment of homonormativity is part and parcel of articulating social membership within the nation. In this chapter, I focus on how the strategies of assimilation that called for the repeal of Minnesota's sodomy law by gay and lesbian leaders framed social membership in opposition to public sexual cultures, identities, and practices. These strategies upheld private property as the locus of

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D'Emilio overlooks the significance of space itself or rather the production of the liberal public-private framework of space in the social articulation of white homosexual identities and communities. With industrialization, people no longer worked from home. They were forced to physically relocate to the factory to sell their labor for wages. As a result, the home accrued particular social meanings around the sanctity of motherhood, family, and private. On the other hand, the public sphere became associated with the state and capital. This delineation of space generated the image of "the pious (white) woman" who cared for the home while the family patriarch worked. In a way, industrialization cemented the division of public and private through a patriarchal, not to mention white supremacist, logic that privileged the demands of capital. During the ascension of neoliberal capital and governmentality in the West beginning in the 1980s, we witness a similar feat with (white) gay men and lesbians who demand an arbitrary distinction of public and private that will accommodate them within the fold of the state and confer them with citizen benefits, rights, and protections. But, just as this growing shield of privacy was extended to previously marginalized populations, capital and the state stepped up their regimes of discipline against other less privileged subjects, those who failed to adhere to the norms of gender, sexuality, and domestic space upon which social membership in the private sphere was contingent. See: John D'Emilio, "Capitalism and Gay Identity," in *Powers of Desire: The Politics of Sexuality*, eds. Ann Snitow, Christine Stansell, and Sharon Thompson, (New York: Monthly Review Press, 1983).

citizenship. The proposed public sex law in Minnesota, which repealed sodomy in exchange for the criminalization of sex occurring in public, was designed to legally protect some expressions of gay and lesbian sexuality by privatizing them.<sup>17</sup> These terms of inclusion authorized the criminal punishment system with the right to watch, regulate, and crack down on dissident sexualities that failed to adhere to the burgeoning dictates of homonormative codes of respectability and social worth, what I call racialized norms of sexual hygiene. More generally, it also reinforced the state's power to point to where normative sexuality could be enacted and with whom. These demands for social membership via the private sphere of the home were racially and class restrictive. In this chapter, I introduce one of my dissertation's theoretical interventions that homonormativity operates as a central organizing principle of neoliberal urban policies and practices.

I begin by discussing the local response to the *Bowers v. Hardwick* decision in the Twin Cities. I then trace the history of Minnesota's sodomy law. Next, I look at the case of Richard Gray Jr., a real estate agent arrested and charged with sodomy for engaging in oral sex with an underage male sex worker at the height of the AIDS crisis. I focus on how Gray's defense used private property to vouch for the privacy of the sex acts in question. Gray's case illuminates the shift among gay and lesbian leaders towards articulating their rebukes against sodomy statutes in terms of raced and classed iterations of privacy. I, then, turn my attention to the legislative attempt to repeal the sodomy

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<sup>17</sup> Michael Warner, writing about the "zone of privacy" established by the courts in relation to sexual privacy, argues that the legal tradition "tends to protect sexual freedom by privatizing it." Michael Warner, "Zoning Out Sex" in *The Trouble with Normal: Sex, Politics, and the Ethics of Queer Life* (Cambridge, MA: Harvard University Press, 1999): 174.



statute. In particular, I discuss how the legislative attempt to extend constitutionally protected privacy to gay men and lesbians involved the creation of a new crime of public sex and I consider the implications of said law on homeless queers of color who held a more tenuous relationship to private property. I end the chapter by looking at how both local gay and lesbian leaders and moral conservatives harnessed the AIDS crisis as reason to either decriminalize sodomy or to vouch for its permanence on the books.

### ***Bowers* in the Context of the Heartland.**

Gay community activists in the Twin Cities reacted to the Supreme Court's decision in *Bowers v. Hardwick* with great shock. They deplored the decision, calling it a further setback to the local gay and lesbian community which was already reeling from a perceived surge in anti-gay hate violence and experiencing the government's willful negligence to AIDS. Brian Coyle, the first openly gay elected Minneapolis City Council Member, did not shy away from conveying his anger. In an interview with the press, Coyle objected that this was "an outrageous and very political decision" on the part of the court which had "invade[d] the bedroom." Coyle hoped the decision would "fuel people's anger" and force gay men and lesbians to push the federal government to move faster to finance programs whose aim was to find a cure for AIDS.<sup>18</sup> That Coyle linked *Bowers* to

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<sup>18</sup> Given the AIDS crisis, local gay and lesbian leaders worried the ruling could lead to heightened surveillance of gay male sexuality by law enforcement agencies and private citizens. However, Minneapolis Police Chief Tony Bouza did not foresee the Minneapolis Police Department beginning to enforce the state's sodomy law. In an interview with the *Star Tribune*, Bouza reassured, "We don't have any immediate plans to implement that decision." He continued, "I'm not sure anybody would want to. It's on the books. Obviously, it can be a source of mischief. It's not a high priority on a police chief's agenda." Even if Bouza mitigated fears that the Minneapolis Police Department would not begin to enforce the sodomy statute, residents remained unsure about the implications of the Court's decision in other facets of their lives. Ibid.

HIV-prevention suggests that Coyle might have interpreted sodomy repeal's focus on privacy as providing a shield against the virus.

Although the ruling solely pertained to sodomy, mainstream gay and lesbian rights organizations feared the negative consequences the ruling would wreak on all gay men and lesbians.<sup>19</sup> The Lambda Legal Defense and Education Fund, an American gay rights organization whose top priority into the early-1980s was overturning anti-sodomy laws, worried the ruling would hinder progress against gay discrimination in housing, employment, and child custody.<sup>20</sup> For many, the decision represented the state

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<sup>19</sup> According to American legal historian Michael Klarman, "Nobody thought the ruling would trigger more sodomy prosecutions; its principal effect was symbolic." The symbolism behind the ruling, for gay men and lesbians, was twofold. First, the decision created a context in which discrimination against gay men and lesbians was legally justifiable. Second, the decision endorsed the notion that gay men and lesbians were incapable of family, marriage, and intimacy. Local gay and lesbian leaders and activists highlighted the negative consequences that sodomy statutes entailed for queer Minnesotans. According to Matthew Stark, MCLU executive director, sodomy laws not only made Minnesotans believe they were engaging in illegal behavior, but they invaded their privacy. Nan D. Hunter, director of the ACLU's Lesbian/Gay Rights Project, believed that although most sodomy laws were not enforced, they nonetheless affected those who were charged in "very destructive ways" including denial of professional licensing and denial of employment. The danger that most advocates of repeal cited was the denial of custody or visitation rights to gay and lesbian parents. Hunter argued that if a gay or lesbian parent were characterized as "a habitual law breaker" then that would be reason enough to deny him or her "basic civil rights." For this reason, the ACLU made it a top priority to repeal local sodomy laws as unconstitutional. Kate Parry, "ACLU offers help in challenge to sodomy law," *Minneapolis Star and Tribune*, Jul. 25, 1986; Michael Klarman, *From the Closet to the Altar: Courts, Backlash, and the Struggle for Same-Sex Marriage* (Oxford: Oxford University Press, 2012).

<sup>20</sup> Lambda Legal had called anti-sodomy laws "the bedrock of discrimination against gay men and lesbians" in the United States. Lambda's concerns might not have been far-fetched, according to Michael Klarman, as a number of courts cited Bowers to justify various acts of legal discrimination against gay men and lesbians. In 1987, a federal circuit court rejected the equal protection claim of a lesbian who was allegedly denied employment with the FBI because of her sexual orientation. In citing Bowers, the court ruled that the government discrimination against a class of persons could not be considered unjust if the Supreme Court had ruled that the behavior defining said class of persons could be criminally punished. That same year, the New Hampshire supreme court summoned Bowers to refuse a constitutional challenge to a law preventing gay men and lesbians from adopting or fostering children. Klarman shows that federal circuit courts invoked Bowers to similarly reject legal challenges to the military's exclusion of gay men and lesbians, to uphold the Defense Department's practice of applying greater scrutiny to security clearances sought by gay men and lesbians, and to discard a constitutional challenge to a Cincinnati charter amendment prohibiting the city council from establishing anti-discrimination protections for gay men and lesbians. See: Klarman, *From the Closet to the Altar*.

endorsement of second-class citizenship for homosexual men and women.<sup>21</sup> That is why, following *Bowers*, white gay leaders actively invoked civil rights as the legal and political precedents for sodomy repeal. For instance, Thomas Stoddard, executive director of Lambda, compared *Bowers* to the Court's 1857 *Dred Scott* decision, which ruled that there were no federal protections preserving the liberty of slaves who had found their way to free territories. Stoddard lamented that *Bowers* confirmed that there were no federal protections that states had to honor with regard to homosexuality.<sup>22</sup> Like the *Dred Scott* decision marking black men, women, and children noncitizens, Stoddard reasoned that *Bowers* also heavily endorsed the exclusion of gay men and lesbians from the system of citizenship.

In other comparisons with race-based exclusions, gay rights advocates sometimes referred to *Bowers* as the *Plessy v. Ferguson* of gay men and lesbians. That 1896 Supreme Court decision legitimized "separate but equal" as a legal rationale for racial segregation.<sup>23</sup> At other times, gay leaders compared the opposition to sodomy repeal to anti-miscegenation, most notably *Loving v. Virginia*. By comparing the state-sponsored homophobia in *Bowers* to the state-sponsored racism in *Dred Scott*, *Plessy*, and *Loving*, some gay rights advocates characterized racial violence as a remnant of the past. Because

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<sup>21</sup> Gary Rankila at the time claimed to have been representing 26 clients who had been fired from jobs because of AIDS diagnoses. Jim Schroeder, "Rally protests Supreme Court, Justice Dept." *Equal Time*, Jul. 23, 1986.

<sup>22</sup> In the 1857 *Dred Scott* Supreme Court decision, Congress was barred from intervening against slavery in federal territories. In addition to ruling that black slaves were not citizens, the decision mandated that the rights under the U.S. Constitution did not apply to free blacks. Jim Schroeder, "Sodomy vote almost went other way," *Equal Time*, Jul. 23, 1986.; Jim Schroeder, "Sodomy statute upheld, Mn. court challenge reviewed," *Equal Time*, Jul. 9, 1986.

<sup>23</sup> In the 1896 *Plessy v. Ferguson* decision, the Supreme Court upheld the constitutionality of state-imposed racial segregation on railroad passengers. Linda Greenhouse, "When Second Thoughts In Case Come Too Late," *New York Times*, Nov. 5, 1990.

gay rights advocates only focused on sexuality as the nexus of oppression, their comparisons denied racism temporal coevalness to homophobia. Analogizing sodomy repeal to anti-miscegenation and other race-based legal exclusions minimizes what David L. Eng describes as “the constitutive history of racial and sexual regulation.” Eng describes that the temporal analogy of sodomy repeal to racial liberation configures the latter as a completed project of the past that has been achieved and settled.<sup>24</sup> Treating racial violence and homophobia as one and the same prevents us from analyzing race in relation to homosexuality as intersectional and as politically and temporally coeval. Moreover, by consigning racial liberation to the past, we disregard the on-going violent machinations of the U.S. state in its consolidation and enforcement of white supremacy, most recently through a supposedly benign anti-racist white liberalism. The racial dynamics of the temporal analogy of sodomy repeal illuminates why gay and lesbian leaders, in subsequent attempts to repeal Minnesota’s sodomy statute, excluded the intersections of race and sexuality as analytical categories of power, privilege, and disenfranchisement.<sup>25</sup>

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<sup>24</sup> David L. Eng, *The Feeling of Kinship: Queer Liberalism and the Racialization of Intimacy* (Durham, NC: Duke University Press, 2010), 38.

<sup>25</sup> As a result of the federal decision, Council Member Coyle’s office received numerous worried and confused phone calls from residents, some of whom believed it was now “illegal to be a homosexual.” Given the strong community reaction, Coyle devoted an entire community breakfast meeting to the subject. On 8 July 1986, Gary Rankila and Emma Hixson, members of the Minneapolis Civil Rights Commission, joined Coyle to discuss the implications of the Court’s decision on sodomy. Rankila confirmed to the breakfast meeting crowd that the ruling did not render homosexuality illegal and that people arrested under state sodomy laws could still appeal to state courts. Hixson warned the crowd that the ruling would be used against gay men and lesbians when trying to pass new civil rights laws across the country. She explained the ruling would be used in “a psychological way against us. In that sense this is a devastating case.” Rankila echoed Hixson’s concerns. Although the sodomy decision did not affect the local civil rights protections of gay men and lesbians, Rankila feared the Bowers decision would negatively impact gay and lesbian parents when they attempted to prove their fitness as parents before a judge in child custody cases. Rankila predicted the decision “will be thrown in my face when I represent a lesbian mom or a gay dad” in

To protest the Court's *Bowers* decision, the Ad-Hoc Committee on Liberty, a group of gay and lesbian rights activists and civil libertarians formed in response to the federal action, organized a rally and demonstration on July 9, 1986, outside the Federal Building in downtown Minneapolis. About 170 protesters, the largest turnout a Twin Cities gay and lesbian protest had garnered in years, marched in front of the Federal Building and listened to a number of prominent local gay community activists criticize the federal action.<sup>26</sup> Coyle voiced his particular frustration that the decision equated homosexuality with a number of other activities to which the courts had also denied privacy. He decried, "On the question of privacy to heterosexuals but not to homosexuals, the Supreme Court equated incest, wife battering and other outrageous acts that might occur in the bedroom, with homosexual love." Coyle distanced "homosexual love" from "incest, wife battering and other outrageous acts" to propose that sexual behavior committed in private by adult consenting homosexuals warranted constitutional protection because it more closely resembled heteronormativity than it did those other "outrageous acts."<sup>27</sup> Coyle also hoped that the decision would incite the public to political action in support of repealing the state's sodomy statute.<sup>28</sup>

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custody, adoption or visitation cases. Rankila and Hixson were particularly concerned that the ruling would be used to stigmatize otherwise morally upstanding gay and lesbian parents by denying them visitation rights or child custody. Jim Schroeder, "Rally protests Supreme Court, Justice Dept." *Equal Time*, Jul. 23, 1986.

<sup>26</sup> In the hours and days following the *Bowers* decision, protests erupted in several cities throughout the country. The largest of the protests took place in New York where more than a thousand demonstrators marched from the federal courthouse. Klarman, *From the Closet to the Altar*.

<sup>27</sup> Chief Justice Warren Burger described sodomy between consenting adults, in a concurring decision, as an "offense of deeper malignity than rape." "Demonstration against S.C. Decision Wednesday at Fed. Bldg.," *Twin Cities Gaze*, Jul. 06, 1986.

<sup>28</sup> Other speakers at the rally expressed a similar call to arms. State Rep. Karen Clark, who was openly lesbian, promised those in attendance at the rally that she would work to repeal the state's sodomy law when the state legislature reconvened later in the year. In the meantime, she asked the crowd's help in

The Supreme Court's conservative decision ignited a liberal political backlash not only among established gay and lesbian leaders but also from men and women who had previously maintained their self-identification as gay or lesbian hidden from friends, family, and employers. On July 26, 1986, State Rep. Karen Clark along with State Sen. Allan Spear, both of whom openly identified as lesbian and gay, hosted a community forum to discuss a working strategy to repeal the state's sodomy law.<sup>29</sup> At the forum, attended by about 100 people, Spear emphasized that Minnesota, describing it as an "island," was the last state in the Upper Midwest with sodomy laws on the books. At the forum, Spear announced that the proposed repeal of the sodomy law would likely be a freestanding bill, not part of a larger piece of legislation. Yet, he was unsure whether sodomy repeal would also include repeal of laws against adultery and fornication (sex between unmarried heterosexuals): a strategic move. Clark acknowledged that adding fornication to the repeal bill might broaden support for the bill. One matter that was certain was that the proposed bill to repeal the sodomy law would only apply to private, consensual oral or anal sexual contact. Laws that prohibited public sex would without a

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election campaigns for state candidates who pledged support to repeal the sodomy law. Likewise, Emma Hixson attempted to assuage the crowd's fear by assuring that the city's Human Rights Ordinance would continue to protect gay men and lesbians from discrimination. She reminded the crowd, "Be glad you live here." Other speakers expressed anger. Lesbian comic Becky Kent suggested to protesters that they consider oral and anal intercourse a form of civil disobedience of the state's sodomy law. She urged protesters to show the Court, "we will not take this ruling standing up." One woman was arrested by Minneapolis police officers on charges of disorderly conduct and trespassing after she kicked the locked glass doors of the buildings. She had written "soft on fascism, hard on gays," with an arrow pointing toward the building, in chalk on the sidewalk of the building. Jim Schroeder, "Rally protests Supreme Court, Justice Dept." *Equal Time*, Jul. 23, 1986.

<sup>29</sup> Allan Spear was first elected to the Minnesota Senate in 1972, representing the liberal district of Minneapolis centered on the University of Minnesota. Having publicly expressed his self-identification as a gay man in 1974, Spear was one of the first, if not the first, openly gay American politician elected to office.

question remain on the books.<sup>30</sup> That Minnesota was the last state in the Upper Midwest to repeal its sodomy law was not lost on local gay leaders who underscored this fact as a contradiction of Minnesotans' so-called Midwestern ethic of liberalism, progress, and tolerance.

Notwithstanding the Supreme Court's ruling on behalf of the Georgia sodomy statute, the national trend had been away from sodomy laws. In 1961, all 50 states had a sodomy law; by December of 1986, only 24 states and the District of Colombia retained them.<sup>31</sup> Minnesota's sodomy law, which banned heterosexual and homosexual anal and oral sex alike and made no distinction or exception for married couples, had been on the books since 1849 when the state was a territory.<sup>32</sup> The law, however, was hardly enforced. Doing so would have required law enforcement to physically peek into people's bedrooms. During the infamous police crackdown on urban vice in the Twin Cities from 1979 to 1985, not a single person was charged or convicted of violating the state's sodomy law, despite the arrest of five thousand people. Instead, law enforcement agencies focused their energies on sexual acts occurring in public. They arrested people

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<sup>30</sup> Jim Schroeder, "Forum discusses repeal of Minnesota's sodomy law," *Equal Time*, Aug. 6, 1986.

<sup>31</sup> In 1961, Illinois became the first state in the United States to repeal its sodomy law when the state adopted a revision of its criminal laws. Ten years later, Connecticut followed Illinois' lead. By the end of the 1970s, 19 more states had repealed their sodomy laws: Colorado, California, Delaware, Hawaii, Indiana, Iowa, Maine, Nebraska, New Hampshire, New Jersey, New Mexico, North Dakota, Ohio, Oregon, South Dakota, Vermont, Washington, West Virginia, and Wyoming. In the 1980s, courts in New York and Pennsylvania struck down their state sodomy laws. That same decade witnessed the legislatures of both Alaska, in 1980, and Wisconsin, in 1983, repealing their state sodomy laws. See: "Getting Rid of Sodomy Laws: History and Strategy That Led to the Lawrence Decision." American Civil Liberties Union. Retrieved August 24, 2015. <https://www.aclu.org/getting-rid-sodomy-laws-history-and-strategy-led-lawrence-decision>.

<sup>32</sup> Supporters of sodomy repeal in Minnesota were apt to point out that most states with sodomy laws at the time were in the south and southwest with the exception of Minnesota. State law defined sodomy as "carnally knowing any persons by the anus or by or with the mouth." Violating the law was a gross misdemeanor punishable by up to a year's imprisonment and/or a \$3,000 fine David Peterson, "Cautious high court unlikely to throw out state's sodomy law," *Minneapolis Star and Tribune*, Dec. 04, 1986.

and charged them with offenses ranging from indecent conduct, solicitation of prostitution, to lewd and lascivious behavior.<sup>33</sup>

Notwithstanding opposition, the sodomy law survived numerous court and legislative attempts to wipe it off the books.<sup>34</sup> For years, efforts to repeal the law in the Minnesota Legislature were unsuccessful. Beginning in the 1970s, local gay leaders made several unsuccessful attempts to win legislative repeal of the sodomy statute.<sup>35</sup> These efforts were spearheaded by the likes of Allan Spear and Jack Baker, a noted figure in the local gay community.<sup>36</sup> Their proposed legislation to repeal Minnesota's sodomy

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<sup>33</sup> Ryan Patrick Murphy and Alex T. Urquhart, "Sexuality in the Headlines: Intimate Upheavals as Histories of the Twin Cities," in *Queer Twin Cities: Twin Cities GLBT Oral History*, ed. Kevin P. Murphy et al. (Minneapolis, MN: University of Minnesota Press, 2010).

<sup>34</sup> Minnesota's sodomy law, considered a "legal anomaly" by the *Star Tribune*, lived in "uneasy coexistence" with "state and local anti-discrimination edicts and a legacy of liberalism." Opponents to the law accused it of being out-of-date and irrelevant to modern society, comparing it to horse-and-buggy statutes, and insisting that it violated the privacy of the bedroom. The Minnesota Civil Liberties Union described the law as "simple prejudice" whereas the Citizens League, a lobbying group, deemed the law ineffective public health policy because it inhibited the reporting of AIDS. Kevin Diaz and Staff Writer. "Sodomy Law Still on Books, and no Challenge is in Sight." *Star Tribune*, Aug. 31, 1991.

<sup>35</sup> Steve Endean, a local gay leader who had worked as a coat-checker at Sutton's, a gay bar in Minneapolis, helped establish the Minnesota Committee for Gay Rights to lobby for a statewide gay rights bill and to repeal the sodomy law. In 1975, the unsuccessful effort to win a statewide gay rights bill and to repeal the sodomy law foregrounded internal battles within the local gay community. On one side, Endean and Senator Allan Spear sought respectability; their lobbying efforts were conventional and they defined gay rights as a civil rights issue. On the other side, Jack Baker and Tim Campbell, editor of *GLC Voice*, relied on confrontational politics and tactics; they insisted that any statewide gay rights bill include protections for "cross-dressing" and the right to same-sex marriage. During the 1975 attempt to repeal the sodomy law, Endean circulated a memo to members of the local gay community asking for their presence at the hearings held at the Legislature. However, Endean insisted that attendees "dress respectably." According to Spear, Endean "didn't want guys over there with dresses and mascara." Campbell responded to Endean's supplications with a squadron of gay men in drag, transvestites, and transsexuals. Campbell and the group held a press conference in a men's restroom at the State Capitol where they argued that the political compromises agreed to by Spear and Endean would leave "cross-dressers" unprotected. These internal divisions among the budding gay community in the Twin Cities did not help in the fight for a statewide gay rights bill or in the repeal efforts of the state's sodomy law. Kay Miller, "Gays fight first for acceptance, then for life," *Minneapolis Star and Tribune*, Feb. 22, 1987.

<sup>36</sup> In 1970, Jack Baker, a 28-year-old law student, gained notoriety at the University of Minnesota, Twin Cities, for trying to marry to his male lover, Mike McConnell, a librarian. Hennepin County denied Baker and McConnell a marriage license. As a result, McConnell adopted Baker. The pair then applied for a marriage license in Blue Earth County using Baker's adoptive name, Pat Lynn McConnell. Blue Earth assumed Pat was a woman and issued the marriage license. In the fall, a United Methodist minister married



statute made it to the floor of the House of Representatives in 1973 and to the floors of both houses in 1975. But efforts to repeal always died on the floor of the legislature. These attempts were similar in that they all merely demanded repeal of the sodomy law; they did not differentiate between “respectable” and “deviant” forms of sexual identity and practice. That would drastically change after *Bowers*, when gay and lesbian leaders began to communicate their rebukes of sodomy statutes in terms of raced and classed norms of respectability.

***State of Minnesota v. Gray.***

The decision in *Bowers v. Hardwick* influenced gay and lesbian leaders to pursue multi-prong attempts to decriminalize private homosexual acts in Minnesota.<sup>37</sup> In these repeal attempts, gay community activists were not only required to spatially differentiate between private and public spaces. But they were also obliged to treat those sexual identities and practices characterized as private to be “normal.” By extension, gay and

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them. Their nuptials garnered international attention. By then, Baker had been elected the nation’s first openly gay student body president at the University of Minnesota, Twin Cities. Campaign posters included Baker wearing high heels with the slogan, “Put yourself in Jack Baker’s shoes.” Kay Miller, “Gays fight first for acceptance, then for life,” *Minneapolis Star and Tribune*, Feb. 22, 1987.

<sup>37</sup> The *Bowers* decision held far-reaching consequences for efforts to decriminalize state laws against private homosexual behavior. In November of 1985, the Minnesota Civil Liberties Union (MCLU) had filed a judicial challenge in federal court against the Minnesota sodomy law, arguing that it conflicted with privacy guarantees in the U.S. Constitution. That judicial challenge was filed on behalf of Stephen McClellan, a physically challenged heterosexual man, for whom the sodomy law left him with the alternatives of “being unable to express his sexuality at all or being a criminal.” McClellan was joined by a gay man, a lesbian, a psychologist and a sex therapist in the suit; they all claimed that the law either harmed them personally or the people with whom they worked. With the assistance of the ACLU Lesbian-Gay Task Force, the MCLU strategically sought to highlight a diverse array of plaintiffs to underscore the “variety of ways” in which the law harmed the lives of all Minnesotans. After *Bowers*, however, efforts to overturn Minnesota’s sodomy law in federal court were essentially turned back to the state legislature and state courts. Nationally, the ACLU and the Lambda Legal Defense Fund conceded that the Supreme Court’s ruling had forced them to challenge state sodomy statutes in state courts and state legislatures. As a result of *Bowers*, other challenges to sodomy laws that were at various stages of litigation were also dropped. In fact, no state repealed its sodomy law between 1986 and 1991. If anything, some states even amended their sodomy statutes to explicitly target same-sex conduct. See: Kate Parry, “ACLU offers help in challenge to sodomy law,” *Minneapolis Star and Tribune*, Jul. 25, 1986.

lesbian leaders decried those sexual identities and practices anchored around public sex to be deviant. This process of differentiation entailed significant consequences for those sexual identities and practices that gay and lesbian leaders could not recuperate as normal and, hence, be made worthy of constitutional protection. Gay and lesbian leaders sacrificed those sexual identities and practices that challenged both the ideological and spatial borders of privacy to continued state surveillance and societal scorn. Although Minnesota's sodomy law was rarely observed, the law was occasionally used against those whose sexual behavior incited societal scorn.<sup>38</sup> One such man was Richard Gordon Gray Jr., a 45-year-old real estate broker, accused of sodomy with a minor in the context of alleged prostitution. In *State v. Gray*, the defendant sought to challenge the constitutionality of the Minnesota sodomy law as applied to his private sexual behavior.<sup>39</sup> *Gray* illustrates how the court's recognition and normalization of homosexuality within the home, rather than public spaces like the park, produces the conditions whereby homosexuality can achieve legibility and significance within neoliberal formations. The

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<sup>38</sup> Gray was not the first person to have been prosecuted for sodomy in the state of Minnesota. In the summer of 1982, Hennepin County District Judge Crane Winton was found guilty of two misdemeanor charges of paying for sex with a 17-year-old young man and was fined \$300. Winton, a judge since 1967, entered a guilty plea in exchange for prosecutors dropping two other solicitation misdemeanor charges and two felony charges of having sex with a minor. Yet, Winton faced a disciplinary hearing before the state Board of Judicial Responsibility that threatened to dismiss Winton because he refused to repudiate his gay sexuality. The board took issue with Winton's past solicitations of male prostitutes, the possibility of future violations of Minnesota's sodomy law, and the public's possible lack of respect for a "judge who is known to be gay." During the trial, the prosecuting attorney asked Winton if he intended to continue violating the state's sodomy law. Winton answered: "That's a difficult question...My life has changed. What I used to do furtively...has all changed. I suppose if I met a suitable person who wants a relationship that involved sexual acts, I'd probably do so. But it would be in private, behind closed doors, in such a manner that won't bring disrepute to the bench." Winton's homosexuality was exposed in February of 1982 during a television investigation of teenage male prostitution in Loring Park. According to State Sen. Allan Spear, pressure to challenge the state law in court increased after disciplinary charges based on the sodomy law were filed against Winton. "News Notes," *Gay Community News* (Boston, MA), Jul. 10, 1982; Loie Hayes, "Gay Judge Refuses to Bow to State Pressure," *Gay Community News* (Boston, MA), Jun. 4, 1983.

<sup>39</sup> "A new way to tackle the sodomy law," *Minneapolis Star and Tribune*, Dec. 06, 1986.

division of space into private and public—a process that was intensified by the gentrification of American central cities in the 1980s—normalized some previously understood “perverse” sexual identities and practices as “private.” But, because Gray’s sexual encounters did not originate in the private sphere, he was unable to mount this argument.

One day in May of 1986, Gray was out driving near Loring Park in downtown Minneapolis when he pulled his car over to the side of the road and asked a young man to hop in.<sup>40</sup> According to the young man’s statement to the police, Gray offered to pay him for sex.<sup>41</sup> When Gray asked the young man his age, the young man lied saying he was 18. Although he was actually 16 at the time, the young man later told the police, “If [Gray] was a retard he would believe that.” Gray drove the young man to his Shorewood, Minnesota home where they had oral sex. Shorewood, Minnesota, a second-ring suburb north of St. Paul with an estimated population of 20,000 in the mid-1980s, was a wealthy, significantly white, family-oriented residential town: the archetypal American suburb.<sup>42</sup> The young man told police the two had sex on two later occasions, with Gray paying him \$200 for both times. In his statement to the police, Gray disputed these claims. He insisted the two only had sex once and that he did not pay him for sex. Rather, Gray claimed he made a loan out to the young man. When Gray suspected the young man and an unidentified adult had stolen from him, he contacted the Shorewood Police

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<sup>40</sup> In the 1970s and 1980s, Loring Park had become a popular destination for gay male cruising and gay male prostitution.

<sup>41</sup> The young man later informed the police that he had been working as a sex worker for a year when he met Gray.

<sup>42</sup> City-Data. “Shoreview, Minnesota.” Retrieved Jul. 31, 2015. <http://www.city-data.com/city/Shoreview-Minnesota.html>.

Department, which charged the young man and the unidentified adult with theft of Gray's boat. Nonetheless, upon Gray describing their sexual relations, the police also arrested Gray, charging him with sodomy in July of 1986, three weeks after the Supreme Court's *Bowers* decision.<sup>43</sup>

That Gray was charged with sodomy three weeks after the *Bowers* decision was no coincidence; his arrest marked the first under the state law since the Supreme Court upheld the constitutionality of sodomy laws. Shorewood city officials even publicly tied the arrest to the *Bowers* decision, revealing that the ruling answered any speculation prosecutors previously held whether the state sodomy law violated U.S. Constitutional guarantees to privacy.<sup>44</sup> Previously, prosecutors rarely invoked the state's sodomy law and when these charges were filed, they usually conjured the sodomy charge in connection with another charge, like rape or assault, implying that charges of sodomy were used in extreme cases of sexual violence to further penalize perpetrators. And yet, the Shorewood city attorney charged Gray with sodomy, not with prostitution or with having sex with a minor. Although Shorewood city officials initially considered charging Gray for having sex with a minor, they believed they would have faced a more difficult time proving Gray knew the young man was a minor.<sup>45</sup>

In the fall of 1986, Gray's Defense Attorney, Peter Thompson, moved for dismissal of the charges before Hennepin County District Court, claiming that the

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<sup>43</sup> Arthur S. Leonard, "Commercial Sex and The Right of Privacy," in *Sexuality and the Law: An Encyclopedia of Major Legal Cases* (New York: Routledge, 1993).

<sup>44</sup> Jim Schroeder, "Shorewood man charged under state sodomy law," *Equal Time*, Aug. 20, 1986.

<sup>45</sup> Similarly, officials pondered a prostitution charge against Gray but the state prostitution law required both parties be older than 18.

sodomy law violated the federal and state constitutional rights of privacy.<sup>46</sup> On December 1, 1986, Hennepin County District Court Judge Pamela Alexander declared Minnesota's sodomy law unconstitutional. Alexander absolved Gray from criminal prosecution by ruling that the state's sodomy law violated Gray's state constitutional right to privacy. In her ruling, Alexander interpreted Minnesota's Constitution to guarantee state residents with a right to privacy "concerning sexual intimacy and decisions."<sup>47</sup> She argued that once a right of privacy in sexual affairs had been established, "the right of an individual to choose the form and nature of his or sexual activity should not be taken away so long as it involves *private* sexual activity between consenting adults" (emphasis added).<sup>48</sup> For Alexander, the court could not infringe upon an individual's freedom to choose with whom to engage in sexual activity and the type of sexual activity, as long as those involved were consenting adults in private space.<sup>49</sup>

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<sup>46</sup> Thompson also served as the defense attorney for Judge Crane Winton.

<sup>47</sup> Alexander's decision contradicted the recent ruling by the U.S. Supreme Court. Alexander claimed that the Minnesota court was free to turn to the state Constitution even after the U.S. Supreme Court had made an opposite ruling on the U.S. Constitution. This legal maneuver was possible because Alexander's decision interpreted a state law using only the state constitution, not the U.S. Constitution. Her decision suggested that the Minnesota constitution guaranteed state residents with a privacy right that entailed more activities than the federal constitution did. Activists in other states had similarly turned to state courts to argue that sodomy laws violated their state constitutions. State courts, in fact, possessed the authority to rule that state constitutions afforded citizens with greater individual rights than those distributed by the federal constitution. Bill McAuliffe, "Hennepin County judge rules state sodomy law is unconstitutional," *Minneapolis Star and Tribune* (Minneapolis, MN), Dec. 02, 1986; David Peterson, "Cautious high court unlikely to throw out state's sodomy law," *Minneapolis Star and Tribune*, Dec. 04, 1986; Jim Schroeder, "Sodomy law unconstitutional," *Equal Time*, Dec. 17, 1986.

<sup>48</sup> The ruling did not affect state laws against sex with minors, forced sex, or sex for pay. It did not void state laws against heterosexual adultery or fornication. *Ibid*.

<sup>49</sup> Alexander argued that the Minnesota sodomy law was unconstitutional because it cast a negative light over the private sexual activity of married, heterosexual couples. In striking down the law, Alexander first characterized it as too broad in making no distinction between "married or single persons, heterosexual or homosexual, adults or minors." Alexander believed that the lack of prosecutions suggested that the law was unacceptably broad. Second, the law, according to Alexander, violated people's constitutional right to privacy by "infringing upon a married individual or single individual right to make decisions concerning their sexual intimacies." This second justification for ruling the sodomy law unconstitutional recognized

The decision was met by both praise and animosity.<sup>50</sup> Thompson applauded Alexander's decision as an extension of privacy rights. This "courageous" exercise in constitutional law, Thompson opined, ensured Minnesotans' right to privacy would be better protected than that of citizens in other states. He elaborated that the decision was "a big deal for the gay community, because now they [could] have some sort of sex without committing a crime." For Thompson, the ruling marked a victory for gay men and lesbians because it legally legitimized gay male and lesbian sexuality, in the context of the home, as normative. Although Thompson celebrated the ruling's implications for gay men and lesbians in Minnesota, gay and lesbian leaders did not publicly express support for Gray, as many of them believed he tarnished the claims of respectability upon which advocates of repeal had relied. The Minnesota Civil Liberties Union (MCLU) purposefully sought to distance its suit from the challenge to the sodomy law filed in defense of Gray. The MCLU filed suit on behalf of Stephen McClellan, a physically challenged heterosexual man who was unable to engage in heterosexual vaginal intercourse with his wife. The MCLU explained that it pursued its own case even after Alexander's ruling since it aspired to present a challenge to the sodomy law in "a neutral

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people's prerogative to sexual expression unconstrained from dominant moral codes. Third, Alexander rejected the argument from Shorewood officials that the sodomy law should stand because it had public support and because it had been on the books since the 19th century. The State of Georgia employed "tradition" to successfully argue for the constitutionality of its sodomy statute in *Bowers*. Alexander countered by stating that the law should not stand for "the sole reason that some of the public finds that the activity the law prohibits to be immoral and unacceptable." She added, "The concept of privacy embodies the moral fact that a person belongs to himself and not others nor to society as whole." Here, Alexander treated one's sexuality as a private entity over which one could claim ownership. *Ibid*.

<sup>50</sup> Soon after Alexander initially ruled on behalf of Gray, the MCLU, with the input of several national lobbying groups, dropped its suit against the Minnesota sodomy law in federal court on January of 1987. In its place, it filed a new suit in Hennepin County District Court charging that Minnesota's sodomy law violated privacy guarantees in the state constitution. The MCLU insisted that state constitutions could grant privacy guarantees covering actions not protected by the federal constitution. Jim Schroeder, "Sodomy law," *Equal Time*, Feb. 18, 1987.

context.”<sup>51</sup> Representatives from the MCLU concluded Gray’s case was blemished because he was accused of paying for sex with a minor. At the time of his arrest, Gray was under probation after pleading guilty in 1984 to criminal sexual conduct involving a boy he met through the Big Brothers program, whom he allegedly thought was older than 18. To some gay and lesbian leaders, Gray confirmed the public’s negative perception of gay men as sexual predators and, thus, unworthy of rights.

Shorewood city and state officials, along with religious groups, swiftly delivered a response to the Court’s ruling in *Gray*. Special Assistant Attorney General Robert Stanich countered Thompson’s claim that most Minnesotans engaged in sodomy.<sup>52</sup> Stanich declared that if that were the case, the Legislature would have already repealed the law. Minnesota Attorney General Hubert Humphrey III vowed to have Alexander’s

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<sup>51</sup> Notwithstanding the case against Gray, the MCLU had filed a revised suit in Hennepin County District Court against the State of Minnesota on January of 1987. The MCLU sought a court order declaring that the sodomy statute violated the Minnesota Constitution because it violated the right of privacy inherent in the Minnesota Bill of Rights by infringing upon the most intimate and private aspects of an individual’s life. The suit even alleged that the sodomy law illegally tried “to use the state’s resources to further certain religious tenets.” The four Minneapolis residents named as plaintiffs in the suit included a married heterosexual couple, a gay man, and a lesbian, all who claimed to have violated the sodomy law. The heterosexual married couple remained Stephen McClellan and Joan Whitney-McClellan. The suit claimed that because McClellan had degenerative multiple sclerosis, he was unable to engage in heterosexual vaginal intercourse with his wife. The gay male plaintiff was identified as Eric Stults, an aide to Sen. Allan Spear. The lesbian was not named in the suit; it only identified her as a licensed professional who would experience sanctions from a state licensing board if she were charged with or convicted of violating the sodomy law. Because none of the plaintiffs had been charged with violating the law, the suit was a test of the law rather than an actual criminal case. Despite all expectation to the contrary, on March of 1989, the Minnesota District Court dismissed the McClellan et al. suit. Jim Schroeder, “Sodomy vote almost went other way,” *Equal Time*, July 23, 1986; Jim Schroeder, “Sodomy statute upheld, Mn. court challenge reviewed,” *Equal Time*, Jul. 9, 1986; “MCLU sues to overturn sodomy law,” *Minneapolis Star and Tribune*, Feb. 04, 1987; Jim Schroeder, “Sodomy law,” *Equal Time*, Feb. 18, 1987.

<sup>52</sup> To emphasize the ruling’s positive benefits for the state’s heterosexual population, Thompson reminded the public that the law that did not differentiate between heterosexual or homosexual acts of sodomy. Thompson’s strategic highlighting of the negative impacts of the sodomy statute on married heterosexual couples would be continuously deployed throughout repeal efforts in an attempt to win general public support.

ruling overturned on appeal.<sup>53</sup> In addition, Shorewood Assistant City Attorney Paul Ahern defended the prosecution's decision to invoke the rarely used sodomy law against Gray by noting that it was based on the facts of the case, not on homophobia.<sup>54</sup> The following day, the State of Minnesota, on behalf of the City of Shorewood, filed an expedited appeal of Alexander's ruling to the Minnesota Supreme Court.

The defense's strategy at the highest state court consisted of highlighting the benefits that would accrue to the state's reputation for repudiating what it deemed to be the homophobic decision handed down by the nation's highest court ruling in *Bowers*.<sup>55</sup> When he appeared before the Minnesota Supreme Court on behalf of Gray on May 7, 1987, Thompson requested the court strike down the state's "repugnant, archaic" sodomy statute by "pushing the frontiers of the state Constitution beyond those of the U.S.

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<sup>53</sup> Jim Schroeder, "Sodomy repeal still a possibility," *Equal Time*, Apr. 15, 1987.

<sup>54</sup> Bill McAuliffe, "Hennepin County judge rules state sodomy law is unconstitutional," *Minneapolis Star and Tribune*, Dec. 2, 1986.

<sup>55</sup> Civil liberties advocates and organizations heralded Minnesota, of all the states with pending lawsuits against their respective sodomy laws, as having one of the best opportunities for repeal. Nan D. Hunter, director of the ACLU Lesbian-Gay Task Force, pointed to Minnesota's "strong" gay and lesbian community as a sign that its chances of repeal were above average. Peter Fowler, then co-chair of the National Gay Task Force, similarly echoed Hunter's statements during a visit to Minneapolis in which he declared that Minnesota had an above average chance of repealing its sodomy law because openly-gay and lesbian politicians held office here. Fowler deemed that other states lacked the "infrastructure in place" to witness the repeal of sodomy laws; "Minnesota is an exception." The majority of the 24 states that had laws against sodomy were located in the south and southwest of the country where supposedly there existed smaller or highly closeted gay and lesbian populations. Minnesota not only had more openly-gay and lesbian elected officials, but the state as a whole was imagined as more tolerant than the American South. In addition to Hunter and Fowler, Tom Stoddard, executive director of Lambda Legal Defense and Education Fund, on a visit to Minneapolis in the fall of 1986, lamented that most states with laws against sodomy still on the books were mostly in the South and West, "with the unfortunate exceptions of [Minnesota], Michigan and Rhode Island." Stoddard believed it "unfortunate" that Minnesota, a state characterized for its social progressivism, could be included alongside states in the deep south for holding on to such homophobic sodomy laws. Stoddard encouraged gay men and lesbians to employ the legal system as "a vehicle to change people's minds," to publicly express their same-sex identities and practices, and to "help through your checkbooks." Jim Schroeder, "ACLU's Nan Hunter on the 'long fight'," *Equal Time*, Aug. 6, 1986; Jim Schroeder, "Repeal of sodomy laws depends on coalitions," *Equal Time*, Sep. 3, 1986; Jim Schroeder, "Stoddard on rights for gays/lesbians," *Equal Time*, Oct. 29, 1986.



Constitution.”<sup>56</sup> Thompson maintained that it was unconstitutional for the state to regulate the sexual conduct of consenting adults in the privacy of their home merely because officials “don’t like gays.” Whether officials liked gay men and lesbians did not matter, Thompson declared. What truly mattered was that the courts afford the right to privacy to all consenting adults.<sup>57</sup>

The prosecution refined its strategy when it went before the Minnesota Supreme Court. It had previously defended the sodomy statute on the basis of dominant traditional moral codes, insisting that the law remain on the books merely because it had been so since the 19th century. This time around, the prosecution based its case on the argument that Gray did not even have “standing” to challenge the sodomy statute because his partner was not an adult and he was a prostitute. Although the oral sex occurred in the privacy of Gray’s home, prosecutors argued the case had public implications because Gray was accused of meeting the young man in Loring Park, a public place, and because Gray had apparently paid for the sex, which invalidated the privacy claim. If the Minnesota Supreme Court regarded prostitution as a public act regardless of its location, then Gray’s sexual activities with the young man could not be constitutionally protected.<sup>58</sup>

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<sup>56</sup> In preparation for the court case, Thompson received assistance from civil liberties attorneys in Minneapolis and Washington D.C.

<sup>57</sup> Thompson asked the justices to consider whether the state Constitution protected the privacy of Minnesotans more than the federal Constitution did. In other words, the seven justices had to decide if they would be exercising the power to interpret the state Constitution more broadly than the U.S. Supreme Court had interpreted the federal Constitution. Dennis Cassano, “State Supreme Court asked to end enforcement of the sodomy statute,” *Minneapolis Star and Tribune*, May 8, 1987.

<sup>58</sup> Thompson disagreed by countering that Gray did have standing to challenge the sodomy statute because that was the law with which he was charged. He contended that the state could not treat the case like a prostitution case unless it charged Gray with prostitution. *Ibid.*

On October 2, 1987, the Minnesota Supreme Court unanimously upheld the state's sodomy law in cases involving prostitution, reversing the Hennepin County District Court's decision. The Court argued that Gray could not characterize this case as one involving "private sexual conduct" merely by an invocation to the location in which the sex acts took place: Gray's bedroom. In the opinion by Chief Justice Douglas K. Amdahl, the Court provided an extensive list of reasons as to why Gray's sexual conduct was "public." Amdahl wrote:

Gray picked up the complainant, who was previously unknown to Gray, at or near a public park recognized as a gathering place of young prostitutes; the sexual contacts between the two were essentially no more separate 'one night stands' [and if, as Gray stated, the two committed only one sodomous (sic) act, our perception of the contact as a one night stand is bolstered]; and, most importantly, this is a case of sex for compensation.

The Court characterized the case against Gray as one involving commercial, rather than private, sexual conduct and held that commercial sexual conduct was not a fundamental right.<sup>59</sup> In other words, the Court ruled that the state Constitution did not create a fundamental right to engage in sodomy while paying for sex. According to the Court's logic, had Gray and the young man been coupled, assuming he were of legal age, then Gray *would* have had standing to characterize this as a case of sexual privacy.<sup>60</sup> But, this

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<sup>59</sup> Dick Hewetson, "Gay Movement in Minnesota and the Role of the Minnesota Civil Liberties Union," *Friends of the Bill of Rights Foundation*. 2013; Jim Schroeder, "State's sodomy law upheld in prostitution cases," *Equal Time*, Oct. 14, 1987.

<sup>60</sup> The Court ruled that the state constitution created a right to individual privacy for state residents. It did not, however, address the question whether the sodomy law, if applied in non-prostitution settings, violated

was a double-edged sword for Gray. If he claimed to have had more than one sexual encounter with the young man, he would have further implicated himself in “trafficking commercial sex,” or prostitution. On the other hand, he would have given further credence to the belief that Gray and the young man *were* engaging in private sexual activity.<sup>61</sup>

In its ruling, the Court agreed that the state constitution did create a right to individual privacy for state residents, although it stressed that this protection did not extend to commercial sexual conduct, regardless of its location. As a result, the Court could not explicitly answer the question whether the sodomy law, if applied in non-prostitution settings, violated that right to privacy. To answer this question, the Minnesota Supreme Court invited additional constitutional challenges to the sodomy law.

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that right to privacy. Rather, the Minnesota Supreme Court invited additional constitutional challenges to the law. Justice Amdahl said it “would like to resolve” the issue in a case where the details involve “consenting adults in private and not paying for sex.” Dan Oberdorfer, “Court Partially Upholds Sodomy Law, Will Decide on Relevancy of Setting,” *Star Tribune*, Oct 02, 1987; Jim Schroeder, “State’s sodomy law upheld in prostitution cases,” *Equal Time*, Oct. 14, 1987; Kevin Diaz, “Sodomy Law Still on Books, and no Challenge is in Sight,” *Star Tribune*, Aug 31, 1991.

<sup>61</sup> The Court concluded that “there does exist a right of privacy guaranteed under and protected by the Minnesota Bill of Rights,” but the scope of that protection only extended to fundamental rights; commercial sex was not one. Refusing to extend constitutional protection to Gray’s sexual conduct, the court cited the 1976 decision in *State v. Price* by the Iowa Supreme Court. That was a decision in which the court summarized the state’s interest in penalizing prostitution: “Prostitution implicates more than private sexual relations between consenting adults. It affects others including the community. Although usually transacted in private, it is nevertheless business which is frequently negotiated in public. Although intimate, it is impersonal. Although involving only consenting adults at the time, it may be a factor in the spread of venereal disease or have a close relationship with other criminal activity.” The Court in *State v. Price* had been unwilling to consider prostitution a form of sexual activity entitled to constitutional protection against prosecution. The Court declared that prostitution presented enough of a problem to the public order that it warranted state intervention, even if that sexual activity took place in private between consenting adults. Although the Minnesota Supreme Court did not cite the AIDS crisis as a factor in its decision to reverse Alexander’s ruling, it cited the decision by the Iowa Supreme Court, which explicitly stated that the state had a vested interest in regulating commercial sex to stop the spread of venereal disease. Thus, we can deduce that public health played a role in determining how the Minnesota Supreme Court interpreted Gray’s sexual activities with the young man. Dick Hewetson, “Gay Movement in Minnesota and the Role of the Minnesota Civil Liberties Union” *Friends of the Bill of Rights Foundation*. 2013.

In his opinion, Justice Amdahl declared the Court "would like to resolve" the issue in a case where the details involve "consenting adults in private and not paying for sex." Amdahl's invitation suggests the Court was leaning toward legitimizing coupled homosexuality within the private sphere of the home. As Gray's case demonstrates, nonetheless, the Court was unwilling to extend such constitutional protections to homosexual conduct defined by a commercial nature or located in public spaces like Loring Park. The Court rendered homosexuality legally legible only in relation to neoliberal interpretations of the private home.<sup>62</sup>

Concerns over the public health implications of the Gray case also shaped the court's decision. In refusing to extend constitutional protection to Gray's sexual conduct, the court cited the 1976 decision in *State v. Price* by the Iowa Supreme Court. That was a decision in which the court summarized the state's interest in penalizing prostitution:

Prostitution implicates more than private sexual relations between consenting adults. It affects others including the community. Although usually transacted in private, it is nevertheless business which is frequently negotiated in public. Although intimate, it is impersonal. Although involving only consenting adults at the time, it may be a factor in the spread of venereal disease or have a close relationship with other criminal activity.

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<sup>62</sup> Dan Oberdorfer, "Court Partially Upholds Sodomy Law, Will Decide on Relevancy of Setting." *Star Tribune*, Oct 02, 1987; Jim Schroeder, "State's sodomy law upheld in prostitution cases," *Equal Time*, Oct. 14, 1987; Kevin Diaz, "Sodomy Law Still on Books, and no Challenge is in Sight," *Star Tribune*, Aug 31, 1991.

The Court in *State v. Price* had been unwilling to consider prostitution a form of sexual activity entitled to constitutional protection. It reasoned that prostitution presented enough of a problem to the public order that it warranted state intervention, even if that sexual activity took place in private between consenting adults. Although the Minnesota Supreme Court did not cite the AIDS crisis as a factor in its decision to reverse Alexander's ruling, it cited the decision by the Iowa Supreme Court, which explicitly communicated that the state had a vested interest in regulating commercial sex to stop the spread of venereal disease.<sup>63</sup> Thus, we can deduce that public health played a role in determining how the Minnesota Supreme Court interpreted Gray's sexual activities with the young man. In its reversal of Alexander's ruling, the Minnesota Supreme Court reinstated the complaint against Gray and remanded the case for trial. Nevertheless, following the Minnesota Supreme Court's decision, charges against Gray were eventually dropped when the prosecution was unable to ensure the anonymity of its sole witness, the young man, whom the Shorewood City Attorney praised as a "rehabilitated" adult with "an excellent job" and "a girl friend."<sup>64</sup>

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<sup>63</sup> Dick Hewetson, "Gay Movement in Minnesota and the Role of the Minnesota Civil Liberties Union," *Friends of the Bill of Rights Foundation*. 2013.

<sup>64</sup> The prosecution had initially requested a motion to close the hearing to the press and to the public to ensure the anonymity of the prosecution's sole witness, the young man with whom Gray allegedly engaged in sodomy. The prosecution had promised the young man, whom Shorewood City Attorney Glenn Froberg described as a "rehabilitated" adult with "an excellent job" and "a girl friend," that he would not be identified in the media to avoid the "embarrassment" of explicit sexual testimony. Yet, the Twin Cities media refused to promise anonymity to the key witness. In February of 1988, Hennepin County District Court Judge Pamela Alexander denied the prosecution's motion to close the hearing. Without anonymity, the prosecutor declined to call the young man to testify. In a letter to Judge Alexander, Paul Ahern, Shorewood City Attorney, declared that the case would not be appealed or pursued. Shorewood City Attorney Glenn Froberg, expressing his frustration with the decision to deny a closed trial, said, "It's frustrating because all the elements were there for a conviction." Meanwhile, Gray's Defense Attorney, Peter Thompson, noted that the reasoning for dropping the charges was as preposterous as filing the original charges. He said, "They (Shorewood) want public proceedings in a person's bedroom and

In evaluating the act of commercial sex to uphold Minnesota's sodomy law, the Court used law to further cement the foundations of a moral geography of sexuality, confirming that courts function as arbiters of normative sexual identities and practices by determining which types of sex are worthy of privacy.<sup>65</sup> Geographer Phil Hubbard describes moral geographies of sexuality as spatial landscapes that reflect the sexual hierarchies of society, where privacy extends for certain acts and to certain bodies that the majority already values. Hubbard explains that law and society decree certain acts as rightfully belonging within particular spaces depending on the legal and moral assumptions attached to those particular bodies in question. Simply put, spaces become public or private not just through acts of judicial ordering and lawmaking, but also through norms of public morality. Whether certain acts will "blend into or transgress" the character of specific private locations depends on the level of acceptability afforded to those bodies.<sup>66</sup> In 1987, the year the Minnesota Supreme Court upheld the state's sodomy statute, the United States was deeply entrenched in a wave of AIDS moral panic. Public health officials, law enforcement agents, legislators, and the public stigmatized and punished dissident sexualities, including gay male sexuality and racialized sexuality, for what they perceived were irresponsible sexual practices that sustained the HIV/AIDS epidemic. Because only (white) heteropatriarchal arrangements could claim constitutionally protected privacy, gay male sexuality "transgressed" the legal and moral

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privacy in public courtrooms." Margaret Zack, "Charges Dropped in Sodomy Case After Key Witness Refuses to Testify," *Star Tribune*, Feb 26, 1988; Lou Gelfand, "To Spare Shame to a Witness, a Trial is Scrapped," *Star Tribune*, Mar 6, 1988.

<sup>65</sup> Murphy and Urquhart, "Sexuality in the Headlines: Intimate Upheavals as Histories of the Twin Cities," in *Queer Twin Cities*.

<sup>66</sup> Phil Hubbard, "The Moral Geographies of Sex," in *Cities and Sexualities* (New York: Routledge, 2012), 34.

nature of the private bedroom. As Gray's case elucidates, the private location in which sex occurred was not enough to warrant its constitutional protection. To evoke a sense that homosexual sodomy rightfully belonged in private, gay and lesbian leaders had to re-script the legal and moral assumptions about gay male sexuality to better resemble dominant sexual norms.

In her famous essay, "Thinking Sex," cultural anthropologist Gayle S. Rubin describes the processes through which systems of domination—state, law, media, religion, and psychiatry—hierarchically rank sexual identities and practices as part of securing the operations of control. At the top of the erotic pyramid, what Rubin calls "the charmed circle," is sexuality that is considered "good," "normal," and "natural." Examples include sexual identities and practices that are understood as heterosexual, marital, monogamous, reproductive, and non-commercial, that occur within the same generation, and that occur in the privacy of one's home. As the sexually privileged of this hierarchical system of sexual value, marital, reproductive heterosexuals reap the benefits associated with normativity including "certified mental health, respectability, legality, social and physical mobility, institutional support, and material benefits." Rubin reveals that in mapping the moral center of the sexual value system, one simultaneously defines those sexual identities and practices deemed to be immoral, or outside the margins of acceptability.<sup>67</sup>

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<sup>67</sup> Gayle Rubin, "Thinking Sex: Notes for a Radical Theory of the Politics of Sexuality," in *The Lesbian and Gay Studies Reader*, ed. Henry Abelove, Michele Aina Barale, and David M. Halperin (New York: Routledge, 1993): 12.

These “most despised sexual castes” at the bottom of the erotic pyramid, what Rubin calls “the outer limits,” include sexual identities and practices interpreted as homosexual, unmarried, promiscuous, non-procreative, or commercial, that are casual, perhaps cross-generational, and that may take place in public, “or at least in the bushes or the baths.”<sup>68</sup> Writing in 1983, Rubin describes these “bad,” “abnormal,” and “unnatural” sexual identities and practices to include “transsexuals, transvestites, fetishists, sadomasochists, sex workers such as prostitutes and porn models, and the lowliest of them all, those whose eroticism transgresses generational boundaries.” As those who engage in sexual behaviors deemed low status, this group of “perverts” confronts “presumptions of mental illness, disreputability, restricted social and physical mobility, loss of institutional support, and economic sanctions.”<sup>69</sup> Although one’s location on the hierarchical system of sexual value predicts either wellbeing or adversity, the ideological boundaries between the charmed circle and the outer limits are fluid enough that some sexualities can shift from being “bad” to “good,” depending on the need of capital and the state to recalibrate its power.

Sexual identities and practices can and do cross from the outer limits to the charmed circle. Central to the hierarchical system of sexual value is “the need to draw and maintain an imaginary line between good and bad sex,” between order and chaos.<sup>70</sup> This imaginary line is drawn to differentiate between those sexual identities and practices that the ever-expanding discourses of religion, psychiatry, popular culture, and the state

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<sup>68</sup> Ibid., 13-14.

<sup>69</sup> Ibid., 12.

<sup>70</sup> Ibid., 14.



decree as “sanctifiable, safe, healthy, mature, legal, or politically correct” from those that challenge the operations of control.<sup>71</sup> If private property is one of the means through which citizens can demand privacy, and thus enact and legitimate citizen claims, then we can treat private property as that which Jennifer Nedelsky calls a “wall (of rights)” that sorts bodies into the charmed circle or the outer limits.<sup>72</sup> Efforts to repeal Minnesota’s sodomy law, thus, represent a debate over “where to draw the line,” or which activities to allow passage into normativity. Gray’s defense team mistakenly assumed that mere participation in private property would render their client’s sexual behaviors constitutionally protected. But, as I show in the following section, access to private property is not enough to warrant state legitimation. Rather, entry to the “charmed circle” is also dependent upon the concerted repudiation of dissident sexual identities and practices, which are oftentimes racialized. In short, the legal recognition of same-sex sexuality relied on gay men and lesbians accepting certain compromises.

The discursive re-spatialization of gay male sexuality, via private property, coincided with gay and lesbian leaders attempting to pass legislation through the Minnesota Legislature that decriminalized sodomy in return for the criminalization of sexual acts and practices outside the purview of the private bedroom. Like the criminal charges brought against Gray, the proposed public sex law differentiated between respectable and deviant homosexual identities and practices. That which was considered respectable cohered around private property and its attendant apparatuses of domesticity,

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<sup>71</sup> Ibid.

<sup>72</sup> Jennifer Nedelsky, “Reconceiving Autonomy: Some Thoughts and Possibilities,” *Yale Journal of Law and Feminism* 1.6 (1989): 12, quoted in Nicholas Blomley, “Privacy, Propriety, and the Entanglements of Property.”

consumerism, and middle-class respectability. That which did not served as the catalyst for the expansion of the criminal punishment system in the Twin Cities.

### **Public Sex Law.**

The proposed Minnesota public sex law illustrates the interplay of legal privacy and private property in structuring the types of sexual behavior that individuals could engage, and in dictating the spaces where these acts could occur. Legal jurisprudence codifies both the range of sexual behaviors deemed appropriate, or normal, and the locations in which these can take place.<sup>73</sup> In terms of sexuality, the courts have historically ruled the private bedroom the home of sex. Central to this ordering has been weighing the level of acceptability that particular sexual acts and bodies wield. As Gray's case demonstrates, merely engaging in same-sex relations within the private sphere of the home does not warrant constitutional protection. The intimate nature of those relations must also adhere to the affective assumptions prescribed under heteronormativity. In spite of that, privacy is also a racialized category that privileges particular social formations that uphold coupled, heterosexual (or homonormative) intimacy and the domestic sphere of the private. As I reveal in this section, the architects of the public sex law proceeded from an understanding that all gay men and lesbians in Minnesota could equally access privacy.<sup>74</sup> In return, they sought to offer legal protections to gay men and lesbians, not by unraveling the conflation of privacy with citizenship, but by privatizing same-sex sexuality.

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<sup>73</sup> Nicholas Blomley, "The Borrowed View."

<sup>74</sup> By public, I am referring to anything existing outside the hallmark realms of capital production: work and home.

Soon after Hennepin County District Judge Pamela Alexander struck down Minnesota's sodomy statute, gay and lesbian elected officials hosted a public meeting in December of 1986 to discuss legislative priorities for the coming year. Spear and Clark informed the crowd that modifying the sodomy law—along with increased funds for AIDS education and testing—would be the major priority for 1987. Officials were pessimistic Hennepin County Judge Pamela Alexander's ruling would remain on the books.<sup>75</sup> Because of this, Spear insisted efforts be redirected to modifying the law through the legislature.<sup>76</sup>

Key to legislative repeal efforts was demonstrating that striking down sodomy would positively affect the mainstream heterosexual community. At the public forum, Spear and Clark explained to the crowd how they would go about repealing the sodomy law through the legislature, following Wisconsin's example.<sup>77</sup> Instead of outright repealing the law, they would replace it with a law banning public sex, a political compromise of sorts. Although public sex was already forbidden under public nuisance and indecent conduct statutes, Spear believed the creation of a new crime of public sex would provide legislators with an opportunity to convince constituents that they had worked to remove state jurisdiction over private, consensual sex while still appearing

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<sup>75</sup> Clark and Spear predicted the ruling would be reversed by what they considered a fairly conservative Minnesota Supreme Court. Attorney General Hubert Humphrey III had even vowed to defend the law before the state's high court.

<sup>76</sup> Jim Schroeder, "Clark/Spear discuss 1987 session," *Equal Time*, Dec. 17, 1986.

<sup>77</sup> In 1983, Wisconsin passed a consenting adults law that repealed that state's "sexual perversion" law as it simultaneously legalized private, non-commercial acts of sodomy between consenting adults. As a compromise to obtain the sufficient number of votes among legislators, the bill stated that Wisconsin possessed a duty "to encourage high moral standards" and that it did not "condone or encourage any form of conduct outside the institution of marriage" as this institution is "the foundation of family and society" and its "stability is basic to morality and civilization, and of vital interest to society" and Wisconsin. *Laws of Wisconsin* 1983, Vol. 1, page 37, ch. 17, enacted May 5, 1983, published May 11, 1983.

tough on crime.<sup>78</sup> The law would have made it a crime to engage in certain sex acts where it reasonable to expect that the conduct could be seen by others. While speaking at the forum, Spear confessed that the “trick” was in defining public and private sex. The public sex law would not be used discriminatorily against men. He assured the crowd of mostly white gay men that private sex would include that which occurred behind locked cubicles or closed rooms in commercial places like adult bookstores and bathhouses. While “[p]ublic is where people can stumble upon you.”<sup>79</sup>

As part of their strategy to win support for the modification of the sodomy law, Spear and Clark formed the ad-hoc group, Minnesota Coalition for Privacy.<sup>80</sup> The group consisted of gay and lesbian, and mainstream organizations concerned with guaranteeing the right to privacy for all consenting adults in Minnesota.<sup>81</sup> To avoid the public perception that this was a “gay rights bill,” the Coalition for Privacy ensured that neither

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<sup>78</sup> Spear said there was no specific state law against engaging in sex in public. He acknowledged, “You can get people on indecent conduct, but it’s very vague.” Robert Whereatt, “Coalition brings new strategy to sex law fight,” *Star Tribune*, Mar. 26, 1987.

<sup>79</sup> Spear worried that Judge Pamela Alexander’s ruling in *State v. Gray* would have made it harder to pass a modification of the state law in the legislature. He believed that legislators might not seek to endorse repeal if they believed the case could win in courts. This way legislators would not go on the line publicly in defense of the law and, thus, alienate constituents. Repeal would have to wait until 1988 but that posed a problem as that was an election year and legislators were less likely to support it during an election year. Jim Schroeder, “Clark/Spear discuss 1987 session,” *Equal Time*, Dec. 17, 1986.

<sup>80</sup> The coalition hired Minneapolis attorney Robert Hentges as a lobbyist to help win support for the bill. Hentges reminded the public and the Legislature of the negative implications the sodomy statute carried for Minnesota’s image as a liberal state with tolerant people. Like Spear, Hentges metaphorically characterized Minnesota as “an island” given that in the previous two decades, 25 states had repealed these “silly” sodomy laws including every Midwestern state bordering it. Robert Whereatt, “Coalition brings new strategy to sex law fight,” *Minneapolis Star and Tribune*, Mar. 26, 1987; Jim Schroeder, “Civil Rights Commission endorses repeal of sodomy law,” *Equal Time*, Feb. 4, 1987.

<sup>81</sup> Some of the 29 member organizations of the coalition included the League of Women Voters of Minnesota, the Minnesota Bar Association, the Minnesota Council of Churches, the Minnesota Medical Association, the Parents and Friends of Lesbians and Gays, the Hennepin County Attorney’s office and Council 14 of the American Federation of State County and Municipal Employees. *Ibid.*

Spear nor Clark authored the bill.<sup>82</sup> Julia Classen, coordinator for the coalition, strategically suggested having Sen. Donna Peterson, of the Democratic-Farmer Labor Party, and Rep. Lee Greenfield as the authors of the bill. Peterson was a member of the Senate Judiciary Committee and Greenfield was a member of the House Judiciary Committee and its Health and Human Services Committee. Not only did Peterson and Greenfield possess clout in the Minnesota Legislature, Classen emphasized that Peterson and Greenfield both publicly identified as heterosexuals. She hoped that the legislators' heterosexuality would garner a broader base of support among labor, religious, feminist, and mental health groups.<sup>83</sup> In an interview with the *Star Tribune*, the largest daily newspaper in Minnesota, Peterson echoed Classen's reasoning, admitting that she had actively discouraged Clark and Spear, Minnesota's first and only openly lesbian and gay officials elected to state government, from sponsoring the bill to prevent the public's perception of it being a "gay rights bill."<sup>84</sup>

The Minnesota Coalition for Privacy held a community information meeting on February 14, 1987, in the St. Paul-Reformation Lutheran Church, to present its bill to the public and to discuss its legislative strategy for later that spring. The bill's authors, Greenfield and Peterson, explained that the proposed public sex law was intended to replace Minnesota's sodomy law, as well as laws against adultery and fornication, which made criminal any heterosexual sex outside marriage. Describing these latter laws as

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<sup>82</sup> For that reason, Spear, the Senate Judiciary Committee Chair, who was openly gay and had been chief sponsor of previous bills to repeal the state's sodomy law, was not even a sponsor in this effort.

<sup>83</sup> Jim Schroeder, "New bill drafted," *Equal Time*, March 4, 1987.

<sup>84</sup> Robert Whereatt, "Coalition brings new strategy to sex law fight," *Minneapolis Star and Tribune*, Mar. 26, 1987.

“grossly sexist,” Greenfield described that a married woman who committed adultery—that is, had sexual intercourse with a man other than her husband—could have been convicted of a gross misdemeanor, carrying a fine of \$3,000 and a year in prison, under the adultery law. But a married man could be convicted of fornication—sex with a single woman—and obtain a misdemeanor sentence, a lesser penalty.<sup>85</sup>

Although the bill removed any restrictions on consensual sexual acts between adults, including adultery and fornication, the proposed public sex law criminalized any sexual acts occurring in a public place where a person “may reasonably expect to be observed by individuals not engaged in the conduct.” Classen divulged to *Equal Time*, a gay and lesbian-themed newspaper in the Twin Cities, that after “careful consideration,” the Coalition decided to replace the sodomy law with one forbidden publicly observable sex, rather than simply acting to repeal the sodomy law. She conceded, “If you ever want to get the sodomy law repealed, you have to take an approach more palatable to all the legislators, including ones from more conservative districts.”<sup>86</sup> Under the new crime, law enforcement agencies would have been authorized to seek out and arrest anyone found to be engaging in sex acts in automobiles, parks, or other public spaces. Prior to the proposed bill, law enforcement agencies merely charged those arrested for engaging in

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<sup>85</sup> It is possible that Greenfield underscored the sexist nature of the adultery and fornication laws to elicit support from lesbian feminists who may have not necessarily seen their concerns included in the public sex law. Also in attendance at the forum were Clark and Spear though in a somewhat more reserved position. The Coalition for Privacy sought volunteers from the “very positive” crowd for fundraising efforts, community organizing, marketing, and organization efforts. “FYI,” *Twin Cities Gaze*, Feb. 02, 1987; Jim Schroeder, “New bill drafted,” *Equal Time*, March 04, 1987; Robert Whereatt, “Coalition brings new strategy to sex law fight,” *Star Tribune*, Mar. 26, 1987.

<sup>86</sup> Jim Schroeder, “Hearings set to replace sodomy law,” *Equal Time*, April 1, 1987.

public sex with indecent conduct.<sup>87</sup> In an interview with the *Star Tribune*, Peterson explained, “What’s done privately between two consenting adults should not be against the law.” She added, however, “What’s done publicly between two consenting adults is something that we can say, no, you won’t do that.”<sup>88</sup>

By assuming that all gay men and lesbians could equally access privacy, the architects of the public sex law in Minnesota—including Clark and Spear—overlooked the differentials of privilege and, by extension, the limited opportunities experienced by some gay men and lesbians contingent on race and class. The public sex law assumed as universal a subject who not only enjoyed unrestricted admission to the public world of erotic life, but one who could also withdraw to the personal domain of the private. All in all, this unmarked gay or lesbian subject was white. For Clark and Spear, the “axis of disenfranchisement” was “prominently and significantly sexual.”<sup>89</sup> They neither discussed race and class differences or how those distinctions shaped the experiences of gay men and lesbians in public and private spaces. Clark and Spear might have omitted an analysis of race and class in their proposal because they anticipated that the subjects’ racial and class privileges would not lead to further inequality, surveillance, or prosecution. By virtue of authorizing law enforcement to seek out and arrest anyone found to be engaging in public sex—those who did not enjoy the race and class privileges

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<sup>87</sup> Jim Schroeder, “Civil Rights Commission endorses repeal of sodomy law,” *Equal Time* (Minneapolis, MN), Feb. 4, 1987; Jim Schroeder, “New bill drafted,” *Equal Time*, March 4, 1987; Joe Kimball, “Panel approves repeal of sex laws,” *Star Tribune*, Apr. 7, 1987.

<sup>88</sup> Robert Whereatt, “Coalition brings new strategy to sex law fight,” *Minneapolis Star and Tribune*, Mar. 26, 1987.

<sup>89</sup> Nayan Shah, “Policing Privacy, Migrants, and the Limits of Freedom,” *Social Text* 23 (Fall-Winter 2005): 280.

to freely move about the public sphere or to comfortably retire to the privacy of private property—the public sex law endorsed the expansion of the criminal punishment system. The proposed public sex law reinforced the parameters through which the state could render legible homosexuality, within the context of the home. At the same time, it also created the conditions whereby those expressions of same-sex desire situated in public and informed by a commercial nature could be criminalized.

In “Race-ing Homonormativity: Citizenship, Sociology, and Gay Identity,” sociologist Roderick A. Ferguson situates homonormative formations within the genealogy of white ethnicity to highlight the ways in which said formations invest in practices of racial exclusion and racial privilege.<sup>90</sup> In conforming to heteronormative protocols of gender and sexuality, white gay arrangements become homonormative formations. For instance, the public sex law operated as a homonormative formation that required that gay men and lesbians, as newly racialized whites, comply with heteronormative protocols of privacy. But, as Ferguson contends, homonormativity’s compliance with gender, sexual, and domestic space norms occasions assorted exclusions and regulations of nonnormative gender and sexual idiosyncrasies that are, in turn, interpreted through racial and class particularities. If so, then homonormativity indexes a contradiction: white homonormative formations demand privileges at the expense of those populations subjugated by normative regulations that are racialized, classed, and gendered. In other words, the appeal to gender and sexual normativity by white gay men

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<sup>90</sup> Ferguson links sociological arguments about the socially constructed nature of (homo) sexuality to the contemporary entrance of white gay men and lesbians into the rights and privileges of American citizenship.



and lesbians functions as a mechanism of state identification that endorses racial exclusion.<sup>91</sup>

The proposed public sex law rendered homeless queers of color, who *had* to have sex in public, more vulnerable to surveillance and punishment. Two such people were Phyllis Olson and Dyke Johnson, whose material realities highlight the limitations and exclusions inherent to the public sex law. Olson was a 30-year-old Native American transgender sex worker. Tim Campbell, editor of the *GLC Voice*, described Olson as a “full-time transvestite” who frequented the Loring Park area and downtown gay bars. Because Olson, whom court documents referred to as a “preoperative transsexual,” lacked a permanent home address, she stayed at a cheap motel near downtown Minneapolis. On September 24, 1986, Olson was found strangled on a footbridge near gay businesses in downtown Minneapolis by a commuter in route to work.

Olson’s transient relationship to private property along with her numerous prostitution arrests dating back to 1973 enabled homicide detectives and even gay leaders to portray her death as a natural extension of her deviant lifestyle. The Minneapolis Police Department “leaked” to the *Star Tribune* that Olson had tested positive for HIV, igniting a slew of public animosity that underscored the racial and class anxieties of the epidemic. Because law enforcement authorities surmised Olson continued to engage in sex work even after her AIDS diagnosis, her case was denied not only police time and attention, but also public sympathy. While health officials used Olson’s death to call for stricter restrictions on sex workers, openly gay Minneapolis City Council Member, Brian

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<sup>91</sup> Ferguson, “Race-ing Homonormativity.”

Coyle, used Olson's death to reflect on the dangers of unregulated queer sexuality. He informed the *Star Tribune*: "There's great cause for concern when anybody is discovered dead, gay or straight. And I'm also very concerned when anybody has AIDS and doesn't modify their behavior." Coyle commiserated over the death of Olson as he simultaneously condemned her actions. Since Coyle presupposed Olson knowingly infected others and that she did not practice safe sex, he agreed that it was "important" to publish the story of Olson's HIV status "to turn up people who might have been exposed to him (sic)." In focusing on her behaviors rather than on her death or the conditions that led to it, Coyle failed to denounce the actions of her clients, policymakers, and, by extension, implicated Olson in her own murder.<sup>92</sup>

Further compounding the practices of racial exclusion and racial privilege at the forefront of the public sex law is the case of Dyke Johnston, a 28-year-old "gay transient from California." Johnston arrived in Minneapolis in March of 1987. Having experienced difficulty securing a steady source of income, Johnston became homeless. On April 27, 1987, Johnston was fatally stabbed as he slept in north Minneapolis, near a secluded and dark railroad trestle where homeless men and women typically slept. Homicide detectives did not consider Johnston's death a gay-related hate crime. Instead, they suggested that Johnson was killed, perhaps by another transient. Likewise, Coyle refused to tie Johnson's death to the string of gay killings in the Twin Cities occurring at the time. Coyle explained that earlier killings were of long-term residents, who were employed.

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<sup>92</sup> In chapter two, I discuss Phyllis Olson's case in further detail, arguing that her case exposes the limitations of the mainstream gay rights agenda at the forefront of gay hate crime activism. Julie Gravelle and Kevin Diaz, "Transient found slain had tested positive for AIDS," *Minneapolis Star and Tribune*, Sep. 24, 1986.

Johnson did not fit this model. What Coyle did, instead, was use Johnson's death to publicize what he perceived as the growing problem of "transients" (read: homeless) in Minneapolis. In an indirect reference to the trope of the "Cadillac-driving welfare queen" of Ronald Reagan's anti-welfare speeches, Coyle described that many of these homeless men and women shuttled between the Twin Cities and the West Coast because public assistance benefits in Minnesota were ideal but the winter climate was better on the West Coast. In an interview with *Equal Time*, Coyle shared why he thought people were homeless: "Some people are adopting homelessness as a way of life and are not trying to get out of the cycle."<sup>93</sup> Phyllis Olson and Dyke Johnson, homeless queers of color, were the antitheses of homonormativity's compliance and identification with the propertied belongings of American citizenship. The public sex law did not extend an invitation to the rights and privileges of the liberal state; it further criminalized them and justified their marginalization.

The public sex law made a first offense a misdemeanor with penalties increasing with subsequent convictions. A second offense within three years would have been considered a gross misdemeanor and a third or subsequent offense, within five years, would have been considered a felony. At the time, breaking the sodomy and adultery laws were gross misdemeanors, while breaking the fornication law was a misdemeanor. The proposed public sex law allowed judges to stay imposition or execution of a sentence for someone found guilty under the law and instead order the person to undergo

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<sup>93</sup> Jim Schroeder, "Murder bulletin received at ET," *Equal Time*, May 13, 1987; "The homelessness among us: a growing population," *Equal Time*, Aug. 5, 1987.

treatment, the assumption being that people repeatedly caught engaging in public sex required psychiatric intervention.<sup>94</sup>

On its final stretch to the legislature, proponents of the public sex law emphasized the supposed benefits that the law would entail for the city's public health given the AIDS crisis. On March 30, 1987, Peterson introduced the public sex law to the Minnesota Legislature. The following week, the Minnesota Senate Judiciary Committee heard testimony in regards to the bill. Representatives of several public health organizations testified before the Committee that the public sex law would assist efforts to educate the public about AIDS. In addition to highlighting the negative effects of the sodomy statute on the mainstream heterosexual population, proponents pointed to the immediacy of the AIDS crisis. Dr. Frank Rhame, a University of Minnesota Hospital physician who had cared for people with AIDS since the epidemic's inception, told the Senate Judiciary Committee that reporting AIDS contacts was necessary to combat disease. Yet, many gay men were reluctant to discuss their sexual activities with health care professionals because of the sodomy law.<sup>95</sup> Doctors contended that the existing sodomy law inhibited health officials from curbing the spread of AIDS because those carrying the virus often

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<sup>94</sup> Jim Schroeder, "Civil Rights Commission endorses repeal of sodomy law," *Equal Time*, Feb. 4, 1987; Jim Schroeder, "New bill drafted," *Equal Time*, March 4, 1987; Joe Kimball, "Panel approves repeal of sex laws," *Star Tribune*, Apr. 7, 1987.

<sup>95</sup> Dr. Edward Ellinger of the Minnesota Public Health Association echoed Rhame's expert testimony when he insisted that sodomy be decriminalized so that health officials could "legally work with individuals" on AIDS matters. Ellinger added, "We don't endorse sodomy or adultery, but we recognize the reality of diverse sexual practices." For that reason, he continued, "'Just say no' doesn't work. Public health workers need to work with the alternatives." State Sen. Allan Spear echoed the sentiments of Rhame and Ellinger, saying that some gay and bisexual men were hesitant to be tested for the virus because a positive test would be tantamount to self-incrimination and they feared that names of sexual contacts would be demanded. Joe Kimball, "Panel approves repeal of sex laws," *Star Tribune*, Apr. 7, 1987.

declined to identify sexual contacts since the acts involved were criminal.<sup>96</sup> That same day, the Minnesota Senate Judiciary Committee approved the bill, in a vote of 11 to 4, to repeal the state's sodomy law, adultery and fornication laws and replace them with a law forbidding public sex. The vote sent the measure directly to the full Minnesota Senate. However, the Committee, made up entirely of Twin Cities' metropolitan area senators, was considered more liberal than the Senate as a whole. The House Judiciary Committee, which was to consider the bill the following day, April 7, was by far more conservative.<sup>97</sup>

The morning of the House Judiciary Committee vote on the public sex law, the chambers was overflowing with the buzzing energy of spectators, many of whom carried large signs. Greenfield, who sponsored the bill, pleaded with members of the House Judiciary Committee that Minnesotans were "entitled to the privacy of their bedroom." He related, "The vast majority of Americans and Minnesotans break these laws." Whether or not the majority of Americans and Minnesotans broke these laws was beside the point for those in attendance, since many of them opposed the bill. Several groups opposed the bill on moral grounds. They believed repeal would damage public morals and family values. But, many more groups cited public health as reason to *not* decriminalize sodomy, even in private. They warned that repeal of sodomy would

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<sup>96</sup> Those who testified on behalf of the public sex law before the Senate Judiciary Committee cited a gamut of reasons in support of the decriminalization of sodomy between consenting adults in private. They argued that the government should not regulate private sexual activity. They defined sodomy as the only sexual activity available to many physically challenged individuals. They characterized the sodomy law, along with the adultery and fornication laws, as inherently sexist and rarely enforced. And they reminded the Senate Judiciary Committee all states surrounding Minnesota had previously repealed similar laws. Supporters included the Minnesota Council of Churches, Minnesota Medical Association, the Minnesota League of Women Voters and the Minnesota Bar Association. Robert Whereatt, "Coalition brings new strategy to sex law fight," *Star Tribune*, Mar. 26, 1987.

<sup>97</sup> Kimball, "Panel approves repeal of sex laws."

facilitate AIDS transmission. One woman in the audience carried a sign that read:

“Millions of our taxpayer’s dollars spent on AIDS research. Why legalize the mode of transmission?” Wayne Olhoft, a former state senator and then-executive director of the Berean League, a Christian public affairs group, argued that promiscuous sex was the primary cause of AIDS. He implied that the law needed to be better enforced, not repealed.<sup>98</sup> In its vote, the House Judiciary Committee was essentially swayed by the opposition’s line of reasoning.

The Minnesota House Judiciary Committee voted 14-11 to block the measure, placing the repeal of Minnesota’s sodomy law at a standstill. Spear described the outcome “a major setback,” attributing it to the lobbying by conservative opponents of repeal.<sup>99</sup> The House Judiciary Committee’s vote to block the repeal of the sodomy law

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<sup>98</sup> The Berean League was a Christian public affairs group that advocated the use of law to protect society’s sexual health and morality. It had vehemently defended the sodomy law as it stood on the books, changing its position only to propose legalizing sodomy “just within marriage for heterosexuals.” In addition to the Berean League, opponents included the Eagle Forum and Concerned Women for America, two conservative political groups.

Jim Schroeder, “Clark/Spear discuss 1987 session,” *Equal Time*, Dec. 17, 1986; Joe Kimball, “Panel approves repeal of sex laws,” *Star Tribune*, Apr. 7, 1987; Jim Schroeder, “Sodomy repeal still a possibility,” *Equal Time*, Apr. 15, 1987.

<sup>99</sup> Proponents of the public sex theorized a number of different possibilities to explain the House Committee’s vote to block the measure. Although the “powerful” Berean League openly opposed the bill, Spear believed opposition “went beyond the Berean League.” Spear and Classen blamed the anti-abortion group, Minnesota Concerned for Life (MCL), with defeat of the measure. Although the anti-abortion group did not usually lobby on issues not directly related to abortion, the group objected to provisions that would have repealed state adultery and fornication laws. The MCL had supposedly approached several House Committee members and pressured them into voting against the measure. Proponents also considered other factors for the defeat of the public sex law. Spear acknowledged that some gay men in the Twin Cities had objected to provisions of the public sex law. But he did not necessarily believe the dissension had harmed the bill. Spear explained that the opposition was “internal” and that “we were able to close ranks and present a united front.” Meanwhile, Classen pointed out that Minnesota Republican leaders had threatened Republican legislators who did not vote against the bill with challenges in the 1988 primary election. Similarly, Coyle believed the “biggest problem” were the “freshmen” members of the House Committee who were “frightened by the right-to-lifers” to vote against the public sex law. Jim Schroeder, “Sodomy repeal still a possibility,” *Equal Time*, Apr. 15, 1987; Jim Schroeder, “Sodomy law repeal fails,” *Equal Time*, May 13, 1987.

ignited a flurry of public reaction.<sup>100</sup> In a surprise move, the *Pioneer Press-Dispatch*, a daily newspaper based in St. Paul, Minnesota, wrote a lead editorial criticizing the House Judiciary committee's vote to block the repeal of "the intrusive, unwarranted statutes." The *Pioneer Press* characterized the sodomy law as making "sexual relations a crime for the one out of every 10 citizens who is homosexual, forbid the only kind of intimate sexual contact possible for many handicapped (sic) people, (and) are offensively sexist." The *Pioneer Press* countered conservatives' claims by stating, "repressive laws may make [AIDS] spread more likely, not less." In spite of this, last-ditch efforts to revive the proposed repeal of the state's sodomy law eventually failed.<sup>101</sup> On May 13, 1987, Classen admitted to the *Star Tribune* that the bill replacing the sodomy law with one banning public sex "looks pretty much dead at this point in time."<sup>102</sup>

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<sup>100</sup> Jim Schroeder, "Sodomy repeal still a possibility," *Equal Time*, Apr. 15, 1987; Jim Schroeder, "Sodomy law repeal fails," *Equal Time*, May 13, 1987.

<sup>101</sup> In the wake of the House Judiciary Committee rejection, Peterson, who introduced the bill in the Senate, had to decide whether to send it to the Senate floor. Legislators frequently stalled measures in a Senate committee if they appeared unlikely to pass in the House. Although Classen believed the measure could have passed the floor of the state Senate, the Coalition for Privacy decided not to "push it out of the committee" as that would have been "a good way to lose friends." Last-ditch efforts consisted of gay and lesbian leaders and their advocates persuading at least two members of the House Judiciary Committee to change their initial votes against the bill. Despite "a considerable number of phone calls" from constituents about the vote, none of the opponents changed their vote. Because attempts to repeal the law in 1988, an election year, were not "realistic," leaders and advocates would have to wait until at least 1989. In the meantime, Classen encouraged gay men and lesbians to use the two-year interval to brainstorm more practical mechanisms for repeal of the sodomy law. Jim Schroeder, "Sodomy repeal still a possibility," *Equal Time*, Apr. 15, 1987; Jim Schroeder, "Sodomy law repeal fails," *Equal Time*, May 13, 1987.

<sup>102</sup> Although the strategy of repealing sodomy via the criminalization of public sex did not prove successful in Minnesota in 1987, the strategy proved fruitful elsewhere. In June of 1993, Nevada repealed its sodomy law with a bill that included a provision that rendered public acts of sodomy, including oral and anal sex between heterosexuals, a felony punishable by up to six years in prison. The repeal bill passed the Nevada Senate 14-6 and the Assembly 29-12. The sodomy law had been in place since 1911. See: *Laws of Nevada* 1993, ch. 236, enacted June 16, 1993, effective immediately; "Nevada Assembly Votes to Repeal Law on Sodomy," *Orlando Sentinel*, Jun. 16, 1993; Jim Schroeder, "Sodomy law repeal fails," *Equal Time*, May 13, 1987.

The proposed public sex law in Minnesota epitomizes the ways in which community claims for social membership hinged upon mechanisms of assimilation that bolstered spatial arrangements of race and class-restricted privacy. Gay and lesbian leaders called for the eradication of public sex. They believed that unless gay men traded in promiscuity for monogamy, gay men and lesbians would never attain rights. In other words, liberation was contingent upon an unquestioned set of universal values where freedom was remapped as privacy. Although the proposed inclusion of white, middle-class same-sex couples at the top of Rubin's erotic pyramid of sexual value may suggest an expansion in the definition of those sexual identities and practices deemed normal, it does not necessarily entail a critique of a system that ranks sexual identities and practices, in the first place. If anything, as Dean Spade and Craig Willse remind us, these shifts merely "strengthen the line" between those identities and practices considered "good, healthy, and normal," and those that remain "bad, unhealthy, stigmatized, and criminalized." Spade and Willse conclude, "The line moves to accommodate a few more people, who society suddenly approves of, correcting the system and keeping it in place."<sup>103</sup> The incorporation of previously stigmatized populations, such as middle-class gay and lesbian couples, does not critique the processes through which systems of domination continue to exert social control by regulating sexuality and family formation. Quite the opposite, it solidifies the role of the state, media, and law as arbiters of normative sexuality.

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<sup>103</sup> Dean Spade and Craig Willse, "Marriage Will Never Set Us Free," *Organizing Upgrade*, last modified Sept. 06, 2013. Retrieved on Aug. 26, 2015. <http://www.organizingupgrade.com/index.php/modules-menu/beyond-capitalism/item/1002-marriage-will-never-set-us-free>.



Efforts to repeal Minnesota's sodomy law post-*Bowers* also reflect how local gay and lesbian leaders demanded a constitutionally protected (sexual) privacy by defining gay male (and lesbian) sexuality in opposition to public sexual cultures. Leaders disparaged the sexual practices of some gay men and queers as anachronistic and antithetical to a newly consolidating homonormative rights platform. In doing so, leaders imposed a Western model of heteronormativity and repudiated a gay liberationist and feminist understanding of sexuality. They did not interrogate the notion of privacy. But, rather, they reframed the fight for rights in terms of homonormative cultural practices: domesticity, privacy, and visibility. Overall, Clark and Spear endeavored to claim a right to privacy for gay men and lesbians at the expense of demanding their right to occupy public space via transgressive modalities of erotic contact.

Public sex, however, can cultivate a transgressive, anti-racist, and anti-capitalist potential. Queer uses of space, after all, can contest the production of privacy because they destabilize the illusorily neat boundaries between public and private. Writing about the erosion of public sexual cultures in the wake of Mayor Rudolph Giuliani's "quality of life" campaign in the mid-1990s in New York City, Michael Warner argues that a public culture of sex is "something to value, something whose accessibility is to be protected." Warner characterizes this public sexual culture as not just a "civil liberty," but rather as "a good thing" that "queer politics should make...a priority."<sup>104</sup> Warner explains that the "practices of public sexual culture...involve not only a world-excluding privacy but also a

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<sup>104</sup> Michael Warner, *The Trouble with Normal*, 171.

world-making publicness.”<sup>105</sup> It is this “world-making publicness” that affords gay men “the pleasure of belonging to a social world, in which one’s sexuality finds an answering resonance not just in one another, but in the world of others.”<sup>106</sup> For Warner, a public culture of sex opens up a world of possibility in which queer transgressions of public space work in the service of assailing heteronormativity, public morality, and the privatizing imperatives of cities. This, of course, is not to suggest that all gay men, lesbians, and trans people equally benefit from the freedom to move about public space without eliciting racial suspicion. As historian Nayan Shah points out, the universal gay male subject that Warner assumes is one who has “both free access to participate in the public world of the intimate and may also retreat to a private realm of intimacy.”<sup>107</sup> That is, the race and class privileges of this “undifferentiated subject” award him the freedom of movement and association. This universal gay male subject possesses the social and spatial arsenal to push and pull the boundaries of privacy in ways that abstract the socially contingent nature of space and that elevate his fitness for social membership. Yet, Warner never discusses how these differentials of power and mobility constrain or facilitate the opportunities of gay men to reap the benefits of his so-called “world-making publicness.”<sup>108</sup> The liberatory potential of public sex, Shah believes, is undermined when one considers that this supposed freedom is contingent on privileges of race and class. As I demonstrated above, the architects of the public sex law in Minnesota similarly

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<sup>105</sup> Ibid., 177.

<sup>106</sup> Ibid., 179.

<sup>107</sup> Nayan Shah, “Policing Privacy,” 280.

<sup>108</sup> Shah observes, “Class and race differences, the differences of access and opportunity, the differential relation to public spaces and how that might impact the dynamics of sociability, erotics, and subjectivity are not discussed” by Warner. Ibid.

proceeded from an understanding that all gay men and lesbians could equally access both privacy and the freedom to move about public space without eliciting racial suspicion. That was incorrect. The inequitable policing of sodomy in the United States attends to the disparate access to the institution of privacy.

In his analysis of early twentieth-century sodomy court cases among male laborers in the interracial and interclass migrant world of the western United States and Canada, Shah suggests that sexual identity was not the sole determining factor in prosecuting sodomy. Rather, differences in race, class, and age framed the surveillance that led to arrests for sodomy. Law enforcement's inequitable policing of sodomy was informed by the racial suspicion of migrant male laborers.<sup>109</sup> Given this heightened racial suspicion and surveillance of the law, migrant men were denied free movement and association. Because of their hyper visibility, migrant men were unable to move about the public sphere without eliciting suspicion from the authorities, much like Phyllis Olson and Dyke Johnson. Furthermore, the cramped living quarters of labor camps and the transient nature of their labor foreclosed any possibility of privacy. Shah's analysis confirms that privacy is a racialized category of privilege afforded to those whose sexuality normalizes and is normalized by private property.

In addition to assuming that all gay men and lesbians could equally access privacy, the engineers of the public sex law in Minnesota were unable or unwilling to consider the benefits that some gay men and lesbians experienced from participating in public sexual cultures. Queer subjects who participated in public sexual cultures could

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<sup>109</sup> Ibid.

have derived more than mere sexual gratification. They might have also experienced a sense of community as Samuel R. Delany recounts in the classic queer ethnography, *Times Square Red, Times Square Blue*, which recalls participation in street life and porn theaters in New York City's Times Square before the "violent reconfiguration" of that city's cultural and sexual landscape. Delany laments the loss of the community, social fulfillment, and other social functions that these commercial sex establishments in Times Square afforded strangers. He argues that cross-class and inter-racial contact, even via sexual practices and venues, represent one of the most valuable amenities of urban life that ought to be a basic experience of everybody. Unlike Warner's analysis, Delany's analysis centers the race and class-based dynamics of sociability. Part of the richness of queer public life, Delany claims, is rooted in the possibility of contact among strangers. Public spaces condition the meeting of people of diverse races, classes, genders, sexualities, ages, religions, cultures, and ideological worldviews. In public, difference cannot be avoided; it must be negotiated.<sup>110</sup> That negotiation, however, has been rendered obsolete in the wake of neoliberal urban policies.<sup>111</sup> Such a set of dynamics was also at play with the proposed public sex law in Minnesota. Threatening to eliminate the possibilities for contact among gay and bisexual men in the Twin Cities, the public sex law foreclosed one of the touchstones of democratic queer urban life and delimited the

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<sup>110</sup> Phil Hubbard, "Public Sex," in *Cities and Sexualities*.

<sup>111</sup> Delany attributes the destruction of these public sexual cultures and cross-class social encounters to the culmination of real estate and business interests. Accomplished through police harassment, real estate development deals, and changing laws about sex, health, and zoning, Delany shows that the "cleaning up" of Times Square was part of a social agenda to render the area "safe" for tourist and family consumption. Samuel R. Delany, *Times Square Red, Times Square Blue* (New York: New York University Press, 1999).

liberatory potential of queer public life. Instead, the public sex law bolstered the significance of private property to neoliberal claims for queer citizenship.

For homeless queers of color, such as Olson and Johnson, the promise of privacy that the public sex law espoused was not central to their narrative. In “The Shadows of Stonewall: Examining Gay Transnational Politics and the Diasporic Dilemma,” cultural anthropologist Martin Manalansan highlights how gay and lesbian compliance with teleological and developmental discourses of liberal capitalism creates the conditions of possibility for racial exclusion. Manalansan identifies the mainstream gay and lesbian significance placed upon the act of “coming out” as a formation that has worked to manage the racialized and gendered particularities of immigrant queers of color. Manalansan argues that gay and lesbian leaders posit coming out as a measure of liberation and modernity as they simultaneously racialize the closet as a marker of premodern backwardness. For Manalansan’s gay Filipino informants, coming out, or the public avowal of identity, is not necessary for their self-fashioning. Their gay identities are not just proclaimed verbally; they are also felt and intuited. For them, gay identity is worn, not necessarily declared. As a result, Manalansan’s gay Filipino informants treat public modes of gay identity articulation to be superfluous. Instead, they realign the closet in light of other experiences as immigrants in the United States. In fact, Manalansan suggests that public visibility could be dangerous for his gay Filipino informants as they risk deportation. Their disavowal of overt displays of gay identity, hence, does not reflect homophobia, Manalansan argues. On the contrary, it exists as a

racial and class position shaped by the boundaries and exclusions of immigrant experience.<sup>112</sup>

We can apply Manalansan's observations to interrogate the mainstream gay and lesbian logic that presents identities and practices not organized around privacy as deviant. The mainstream gay and lesbian emphasis on privacy exists as a location that regulates the racialized and gendered differences of homeless queers of color. Gay and lesbian leaders exalted privacy as the *sine qua non* of liberation and modernity while denigrating public sex as a reflection of internalized homophobia or gay shame. They did not query whether identities and practices not organized around privacy were the result of racial exclusion and material inequality. Nor did they ponder whether those who engaged in public sex did so out of an economic necessity or as something erotically stimulating. Had they done so, gay and lesbian leaders would have been confronted with the realization that homeless queers of color violate the norms, rights, and privileges that gay ethnic formations claimed to embody. Homonormative formations emerge to the detriment of homeless queers of color who cannot seize privacy. As same-sex desire moved into a white homonormative formation in the 1980s, it transformed itself into a technology of race that understood race and class difference as the antitheses of compliance, discipline, and normativity necessary for membership in the body politic of the United States.

The public sex law failed to take into account how race, class, and gender are among some of the social and spatial particularities that either bestow or deny individual

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<sup>112</sup> Martin F. Manalansan, IV, "In the Shadows of Stonewall: Examining Gay Transnational Politics and the Diasporic Dilemma," *GLQ: A Journal of Lesbian and Gay Studies* 2, no. 4, (1995): 425-38.

autonomy and sexual liberty upon subjects in both public and private spheres. Particular expressions of race, class, gender, and sexuality that operate in the service of capital by perpetuating (and performing) the notion of a liberal public-private framework of space are those social formations that can easily navigate the artificial contours of the public sphere and the private.<sup>113</sup> Clark and Spear endorsed a liberal public-private framework of space as a racially and class-neutral mode of distributing rights, benefits, and protections without noting how this socially contingent system has been historically mobilized to channel resources to white heteropatriarchy, to justify the gender subordination of women, and the ownership of people of color as white property.

Quite the opposite, the public sex law in Minnesota sought to offer legal recognition to gay men and lesbians in coupled relationships with access to private property. In his analysis of the 2003 Supreme Court's decision in *Lawrence v. Texas*, which invalidated sodomy laws to render same-sex sexual activity legal in every U.S. state and territory, Shah highlights that the decision conferred freedom for privacy to gay men and lesbians only within the confines of homosexual domestic identities and practices. It did not extend those privileges and protections to sexual identities and practices that did not uphold the heterosexual family ideal or the private domestic space. Similarly, the public sex law only embraced a particular segment of same-sex identities and practices. According to Shah, the logic behind *Lawrence*, and I would add the public

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<sup>113</sup> Although I am arguing that the liberal public-private framework of space is a socially contingent process—that it erects ideological walls depending upon the particular demands of capital and the disciplinary needs of the state—I am not denying the materiality of this public-private distinction on the quotidian experiences of individuals unable (or unwilling) to adhere to the norms of gender, sexuality, and domestic space upon which social membership hinges.

sex law, “keeps intact the public sphere idealization that protects the liberties of those who possess a recognizable home.”<sup>114</sup> Both bolster the notion that “personhood and citizenship” derive from the “domestic private” and coupled intimacy, either heterosexual or homosexual. Shah concludes, “For those identified outside norms and normativity, the liberties to pursue ‘certain intimate conduct’ remains unfathomable in a liberal ethos that links private intimacy with respected and protected public status.”<sup>115</sup> This “liberal ethos” relies upon the legal process, as evident in *Bowers*, *Lawrence* and the public sex law in Minnesota, to strengthen the illusory divide between the public sphere and privacy in order to naturalize norms of gender, sexuality, and domestic space upon which citizenship is enacted. The homonormative subject’s entrance into the rights and privileges of white supremacy, however, hinges on managing homosexual difference. Only then can the homonormative subject claim coherence as a public citizen. This coherence and emancipation is achieved through rights-based actions and investments, or at the least indifferences to, in racial exclusion.<sup>116</sup>

## **Conclusion.**

Part of the reason why sodomy repeal efforts proved unsuccessful in Minnesota is because the opposition framed the AIDS crisis as a moral crusade to protect women and children from the putative dangers of decriminalizing sodomy. To this extent, the decriminalization of sodomy would have granulated the walls erected to insulate white, middle-class suburban domesticity from HIV. This logic was clearly articulated on May

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<sup>114</sup> Nayan Shah, “Policing Privacy,” 282.

<sup>115</sup> Ibid., 283.

<sup>116</sup> Ferguson, “Race-ing Homonormativity.”



02, 1987, at a debate in the Minnesota House of Representatives for a bill requiring all couples applying for marriage licenses in the state to undergo testing for AIDS. At the debate, Rep. K.J. McDonald, of the Independent-Republican Party, distributed an article from the *Conservative Digest* that claimed the disease to be “associated with loathsome homosexual practices” that “organized faggotry” was trying to conceal. In a heated exchange between McDonald and Rep. Karen Clark, the openly lesbian representative called the article “hate literature.” McDonald countered, that as a father of seven, he had a duty to ensure the disease was not being “politically protected.” Even though no professional group favored the tests, calling them costly and ineffective, the House approved the bill.<sup>117</sup> Opponents to the decriminalization of private homosexual acts, like McDonald, called forth the AIDS crisis to successfully thwart sodomy repeal.

This widespread characterization of gay male sexuality as responsible for the spread of HIV is partly the reason why gay and lesbian leaders labored to discursively frame gay male sexuality as “normal” through the institutions of privacy and private property. In the process, gay and lesbian leaders upheld the criteria by which marginalized populations could claim legal worth: norms of gender, sexuality, and domestic space, what I call racialized norms of sexual hygiene. This strategy proved even more contradictory when one considers that community claims for social membership depended upon the creation of a new crime of public sex that authorized law enforcement with the policing of interclass and interracial public sexual cultures, identities, and practices. Community claims for social membership also endorsed the expansion of the

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<sup>117</sup> Gregor Pinney, “House bill would require marriage license AIDS test,” *Star and Tribune*, May 3, 1987.

criminal punishment system at a time when the racialized poor found itself caught in the crosshairs of punitive carceral measures as part of the war on drugs. And, finally, gay and lesbian leaders were unable or unwilling to fathom the benefits that such interclass and interracial contact afforded gay men via public sex.<sup>118</sup>

No one questioned the investment in privacy canonized by the mainstream gay and lesbian community. For homeless queers of color, such as Olson and Johnson, the bifurcation of space (to consign homosexual difference to the private sphere) was not possible, nor central to their personal narrative. That is, privacy was not their main preoccupation. The home is, thus, not a monolithic space for all gay men and lesbians. For queers of color, the home is culturally constituted in a divergent fashion to homonormative subjects. For queers of color, private spaces are not locations of privacy but potential arenas of further state regulation and residential exclusion. Without race or class access to privacy, if these queers of color relocated elsewhere, they risked losing the family and extended kin networks established to protect against the race-based economic disenfranchisement they experienced in Minneapolis in the 1980s. Still, even with class access to privacy, queers of color had to contend with racism in patterns of residential living and home ownership. They, therefore, experienced the private bedroom not as a space of liberation, as Spear and Coyle promoted, but as another reminder of their race and class marginality in the United States. For that reason, a politics of homonormativity

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<sup>118</sup> I do not mean to romanticize public sex, either, since it is likely that biases of race and class equally informed men's desires to "cruise" particular individuals. What I am suggesting is that Clark and Spear could not, or would not, ponder the liberatory potential that public sex entailed for challenging private property, and race and class-based divisions. It is important to remain mindful that people of color, given their racial hyper visibility, would have faced a greater risk of policing and surveillance from law enforcement even within the liberatory potential of public sex.

that posits privacy as liberation is another marker of exclusion. Given their divergent relationship to home and privacy, queers of color contest the universality of these heteropatriarchal institutions by realigning the permeable boundaries of public and private spheres in light of their experiences as people of color in the United States.

Efforts of sodomy repeal on the part of gay and lesbian leaders also remind us how they strategically sought to distance themselves from individuals and practices that undermined the middle-class respectability they sought to cultivate. As I revealed above, this ontological and spatial distancing was evident in the Gray case. Gay and lesbian leaders could not recuperate Gray as a representative for the larger queer community because, although he *did* have access to the private, he did not adhere to the burgeoning moral dictates of homonormativity. Consequently, local leaders did not treat his case as a gay-rights issue. On the contrary, leaders purposely sought to distance themselves from Gray's tarnished image.

In this chapter, I revealed how efforts to repeal Minnesota's sodomy law depended upon the criminalization and disavowal of public sexual cultures, identities, and practices, and on the regulation of racialized difference as a sign of non-homonormative compliance. I looked at the sodomy case against Richard Gray Jr., a real estate broker accused of paying for sex with a young male sex worker. I also explored the specificities of a proposed public sex law in Minnesota that legalized private same-sex sexual activity via the creation of a new crime of public sex. By discussing how gay and lesbian leaders, and their advocates used private property to demand the inclusion of some gay men and lesbians within the fold of the state, I argued that this strategy

overlooked the racial- and class-based exclusivity of privacy. More generally, I confirmed that the liberal public-private framework of space is inherently malleable, adapting to the particular ideological demands of capital at the moment. The socially contingent nature of the public-private divide enables us to make sense of how previously marginalized populations (i.e. gay men and lesbians) are able to now vouch for their admissibility within this system as long as they perform norms of coupled monogamy, consumerism, and domestic space.

Additionally, I have demonstrated in this chapter that the liberal private-public framework of space privileges heteronormativity (and homonormativity) by treating most sexual conduct as non-public.<sup>119</sup> Gay and lesbian leaders campaigned to decriminalize sexual intercourse among gay men and lesbians by implementing a system of categorization that defined sexual identities and practices as either private or public. The criteria for such a binary system consisted of spatial privileges—private property—along with race- and class-based performances of sexual morality. By employing this liberal public-private framework of space to vouch for the legal recognition of same-sex sexuality, gay and lesbian leaders prohibited other versions of erotic expression a semblance of public life, as they concomitantly naturalized a compulsory set of norms of gender, sexuality, and domestic space that were wedded to racial and class exclusivity. Through their ideological distancing from public sexual cultures, gay and lesbian leaders, activists, and their advocates inadvertently confirmed for many that gay male sexuality was chaotic, deviant, pathological, and, as such, responsible for the spread of HIV. This

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<sup>119</sup> Phil Hubbard, “Public Sex,” in *Cities and Sexualities*.

was the price that leaders paid to present gay men and lesbians as “worthy” of constitutional protections to privacy. Eventually, the process of categorization also upheld private property as the conduit through which gay men and lesbians would continue to articulate their worthiness for citizen rights, benefits, and protections in the following decade. Among the myriad of limitations inherent to this expression of “freedom with violence” is that there does not exist a naturally occurring division between the public sphere and privacy.<sup>120</sup> More recently, with the advent of neoliberal capital, we have witnessed a refashioning of those same boundaries to include some gay men and lesbians and some people of color.<sup>121</sup> What we have not seen has been a critique of this liberal public-private framework of space in the first place. If anything, its illusory nature has been strenuously maintained.

With the AIDS crisis in mind, policymakers and health officials in Minneapolis reframed the decriminalization of private homosexual sex acts as a public health issue to encourage gay men to practice safer sex and to eradicate public sexual cultures. To underscore the dangers of commercial sex establishments to the public health of white, middle-class suburban domesticity, journalists relied upon medicalized tropes of diseased prostitutes of color with AIDS. The domestication of gay male sexuality in the Twin Cities, therefore, hinged upon the criminalization of racialized sexuality. I look at this set

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<sup>120</sup> Chandan Reddy, *Freedom with Violence: Race, Sexuality, and the U.S. State* (Durham, NC: Duke University Press), 2011.

<sup>121</sup> As outlined in the introduction, these distinctions were spearheaded by industrialization and urbanization in the 1800s to organize both people and their perceptions about space in the service of capital accumulation and disciplinary regimes of social control.

of racial, class, and spatial dynamics further in the next chapter where I discuss the homonormative roots of anti-violence gay activism.

## Chapter Two.

### Play It Safe: Anti-Violence Gay Activism, Racialized Criminality, and the Spatial Politics of Homonormativity

#### Introduction.

In late October of 1986, members of the Minneapolis anti-violence gay activist group, Community United Against Violence (CUAV), distributed approximately 5,000 flyers of warning literature in areas frequented by gay men, including the downtown bars, the local bathhouse, and the public parks. Brian Coyle, the city's first openly gay City Council Member, who founded CUAV, designed the flyers "to warn everyone on Hennepin Avenue, especially the gay and bisexual community, that they must not put themselves at risk" by picking up strangers.<sup>1</sup> Although violence largely took the form of verbal harassment and physical assault, from 1984 to 1987, Minneapolis, a city of about 350,000, witnessed upwards of 15 murders against gay men and transgender women.<sup>2</sup> In spite of the wide array of victims, white gay leaders largely focused their efforts on a particular subset of victims, older, white gay men with ties to private property. Because these men were robbed and killed in their own homes without any sign of forced entry, leaders suspected victims invited their killer home for sex. Therefore, to warn others of the dangers of anonymous sex, leaders dwelled on the sexual practices of victims.

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<sup>1</sup> In addition to members of CUAV, members of the Twin Cities Goodtime Softball League and Rep. Karen Clark distributed the flyers. The Northland Business Association, a gay and lesbian merchants association in the Twin Cities, attached the flyers to election endorsement materials and announcements. Press Conference Speech, Oct. 22, 1986, Box 13, Folder Gay Violence, Brian J. Coyle Papers, The Minnesota History Center.

<sup>2</sup> I use the term transgender as an umbrella term to describe people whose gender identity or performance differs from that which society expects based on the sex imposed at birth.

The flyers, which contained detailed descriptions of 11 gay murder victims, read: “Play it safe! Don’t go home with strangers—no matter how hot they are. If you do, introduce your trick to a buddy” (Figure 2.1). The language in the flyers suggested that victims had brought upon their own death by engaging in the “dangerous” behaviors of cruising, and promiscuity. The flyers explained, “These 11 men believed their killer was O.K.—maybe even attractive. Don’t kid yourself, it could be you next!” The flyers then shamed gay men who continued to cruise for sex: “Despite several well publicized deaths during the last two years, some of us obviously are still putting ourselves at risk.”<sup>3</sup> The sexual behaviors that Coyle regarded as dangerous in the flyers (i.e., cruising, promiscuity) were also behaviors that public health officials deemed to be “high risk” modes of spreading HIV.

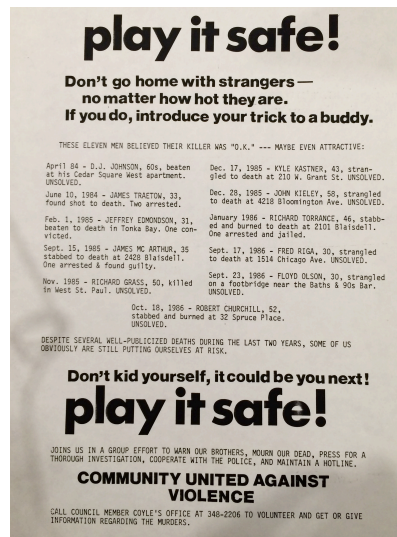


Figure 2.1: "Play it safe!" flyer. Box 13, Folder Gay Violence, Brian J. Coyle Papers, The Minnesota History Center.

<sup>3</sup> Although Coyle designed the flyers with the intent to “educate” gay men of the supposed physical risks of anonymous sex, the vindictive tone alienated a portion of the intended audience. Not all gay men easily understood the message of the flyers despite Coyle’s insistence that the flyers were written in “street language” to be most effective. Some gay men rejected the flyers because they received they were being handed Christian fundamentalist literature. Others noticed the “play it safe” theme and believed they were being handed safer sex educational material and rejected it. Kari Enger, “AIDS campaign not without controversy,” *Twin Cities Reader*, Oct. 15, 1986.



A confluence, thus, emerged between the sexual practices that CUAV demonized and those that health officials associated with a greater exposure to HIV. This relationship, however, was not an accidental one. Coyle purposefully usurped the rhetoric of HIV-prevention, including the promotion of racialized norms of sexual hygiene—domesticity, intimacy, privacy, and respectability—to shed light on what he considered an equally important epidemic, violence against gay men.<sup>4</sup> For some anti-violence gay activists, like Coyle, unregulated gay male sexuality contributed to both immunological and corporeal risk.

Given the alleged converge between AIDS and violence, Coyle patterned CUAV's literature after similarly worded warnings meant to prevent the spread of HIV. He appropriated the "play it safe" tagline from the Minnesota AIDS Program's (MAP) very own HIV-education materials.<sup>5</sup> MAP's "play it safe" HIV-prevention ad campaign, produced with assistance from the City of Minneapolis and Hennepin County, featured posters of white male models in athletic attire gearing up for a slew of strenuous physical activity including biking, mountain climbing, and hockey. MAP's campaign, nonetheless, was not without value judgment. Although the ads stressed the benefits of safer sex

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<sup>4</sup> Coyle postulated that previous attempts to raise violence awareness among gay men failed because AIDS was consuming all their attention. As a result, Coyle articulated CUAV's mission through the lexicon of safer sex. However, unlike safer sex practices, condoms were not effective measures against physical violence. Therefore, Coyle also pushed for a gay moral politics that celebrated dating instead of cruising. In an interview with the Pioneer Press, after the murder of a gay man and a transgender woman, Coyle indirectly recommended as an immediate safety valve that gay men date instead of engage in anonymous sex. He encouraged gay men: "Get to know someone before you are alone with them, and let an acquaintance know where you are." Through the promotion of privacy, Coyle hoped to curb the rates of violence. Jacqui Banaszynski, "Murders, fear haunt gays," *St. Paul Pioneer Press*, Sep. 28, 1986.

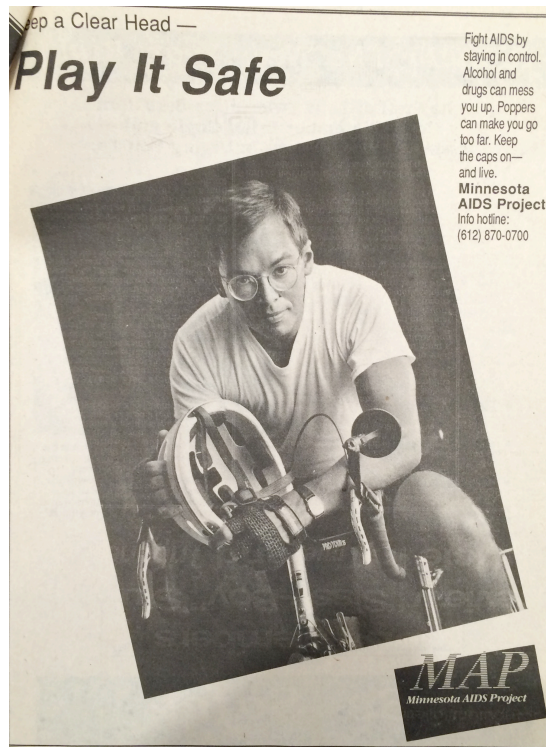
<sup>5</sup> Founded in 1983, the Minnesota AIDS Project is a non-profit service agency committed to stopping the spread of HIV through prevention, advocacy, awareness and services to Minnesotans living with HIV/AIDS. Jim Schroeder, "Special task force forms to solve string of gay murders," *Equal Time* (Minneapolis, MN), Oct. 29, 1986.

practices, they equally endorsed other less-scientifically but morally approved measures.<sup>6</sup> For instance, the November 26, 1986, issue of the *Twin Cities Gaze*, a local gay and lesbian-themed newspaper, featured one of MAP's "play it safe" ads. This ad featured Jim St. George, Coyle's former aide and then-MAP chairman. St. George appeared bent over a bike; helmet in hand, sternly staring off into the camera, ready to take off (Figure 2.2). The caption read: "Fight AIDS by staying in control. Alcohol and drugs can mess you up. Poppers can make you go too far. Keep the caps on—and live." At the time, poppers were at the center of a heated debate as to whether they directly contributed to HIV-transmission. For some gay leaders, poppers, like alcohol, impaired men's judgment enough that they ought to have been actively discouraged, if not outlawed altogether.<sup>7</sup>

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<sup>6</sup> Posters and ads were displayed in bookstores, bars, bathhouses, and clinics in Minneapolis and St. Paul. Kari Enger, "AIDS campaign not without controversy," *Twin Cities Reader*, Oct. 15, 1986.

<sup>7</sup> CUAV's "play it safe" flyers further illustrate the confluence between HIV-education and violence awareness. According to the *Twin Cities Gaze*, Coyle directed funds collected on behalf of CUAV to pay for the dissemination of the "play it safe" HIV-prevention ads. Perhaps Coyle assumed that since the message conveyed by both campaigns was the same—do not pick up strangers for sex—then gay men would not be able to differentiate between both campaigns. *Twin Cities Gaze*, Nov. 26, 1986.



**Figure 2.2: Jim St. George, Coyle's former aide and then-chairman of MAP, appearing in the "Play It Safe" HIV-prevention PSA produced in conjunction with the City of Minneapolis and Hennepin County. *Twin Cities Gaze*, Nov. 26, 1986.**

In this chapter, I analyze the campaign actions and literature materials of Community United Against Violence to examine the co-constitutive relationship between discourses and practices of HIV-prevention and violence awareness. By asserting that the HIV/AIDS epidemic was central to the development of violence awareness discourses and practices in the United States, I build upon the work of historians of gay hate crimes activism.<sup>8</sup> I extend their analyses, nevertheless, to argue that gay hate crimes activism and HIV-prevention functioned as dual forces working toward a culture and politics of homonormativity via the criminalization of the racialized poor in the economically transitional period of the 1980s.

<sup>8</sup> Christina Hanhardt, *Safe Space: Gay Neighborhood History and the Politics of Violence*, (Durham, NC: Duke University Press, 2013).

In order to spur police and state intervention, gay leaders focused on tearing apart the association of homosexuality with criminality. As I indicated in the previous chapter, leaders had unsuccessfully tried to legally separate gay men and lesbians from the category of criminal associated with sodomy measures. This time around, given popular rhetoric about “homosexuals” as immoral individuals and threats to the public health, leaders sought to produce a counter-narrative declaring gay men and lesbians as victims of crime entitled to the full protection under the law. Central to this process was highlighting the heteronormative compliance of particular gay men and lesbians to a culture and politics of homonormativity. According to historian Lisa Duggan, homonormativity is a set of ideologies and practices that assert citizenship rights for gay men and lesbians via neoliberal politics and heteronormative assumptions, values, and behaviors.<sup>9</sup> Because homonormativity exalts privacy, some gay leaders endorsed it as a cure to AIDS and violence. They believed that privacy and its attendant discourses of sexual monogamy would encourage gay men to curb anonymous sex, date, and settle down.

In an effort to advocate privacy as a responsible AIDS and violence prevention strategy, CUAU attacked promiscuity and “the gay lifestyle.” CUAU’s embrace of privacy was explicitly articulated in its promotional materials. In one of its pamphlets

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<sup>9</sup> Lisa Duggan defines homonormativity as a “politics that does not contest dominant heteronormative assumptions and institutions, but upholds and sustains them, while promising the possibility of a demobilized gay constituency and a privatized, depoliticized gay culture anchored in domesticity and consumption.” In other words, homonormativity reifies articulations of heteronormativity, including consumerism, domesticity, and privacy, in the hopes of securing citizen rights, benefits, and protections. Rather than pushing for the freedom to sexual difference, homonormativity situates freedom around dominant arrangements of reproductive sexuality (i.e., the gendered family) as it simultaneously accepts the exclusions of those queer bodies marked as deviant and unintelligible. Lisa Duggan, *The Twilight of Equality: Neoliberalism, Cultural Politics, and the Attack on Democracy*, (Boston: Beacon Press, 2003), 50.

titled, “Dating,” Tim Campbell, editor of the gay-themed Twin Cities newspaper the *GLC Voice*, insisted on the safety of dating as he cautioned against the dangers of anonymous sex. To prevent violence, Campbell provided a set of ten safety tips for gay men to observe.<sup>10</sup> Yet, most of the advice invoked morality to argue that gay men should be sober, more selective about sex partners, and, in general, have less sex. Campbell urged gay men to “date whenever possible.” Instead of cruising for sex, he encouraged gay men to meet their date through friends. If gay men did meet their “tricks” elsewhere, Campbell suggested that gay men introduce them to their friends as “anyone planning a murder will want anonymity.” Accordingly, Campbell warned gay men against having sex with “total unknowns” and “straights.” He surmised that if “a potential trick knows nobody and nobody knows him...that’s a high risk.” As for heterosexual men, Campbell cautioned, “Severe homophobes are not likely to acknowledge gayness in themselves verbally” and, thus, would lash out in a fit of homophobic rage. In addition to reifying constructs of homosexual identity, Campbell encouraged gay men, “Count your chemicals.” Police investigators previously publicized that a number of gay victims were under the influence of drugs or alcohol at the time of their death. Campbell, who described some of the gay victims as “heavy drinkers,” warned men that severe alcohol and drug use impaired their

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<sup>10</sup> The pamphlet also illustrates how anti-violence LGBT activists in the Twin Cities employed a number of rhetorical tools to align themselves with the larger national anti-violence LGBT movement in the 1980s. In the pamphlet, Campbell provided a brief history of anti-gay violence in the Twin Cities, before tying this to violence against gay men and lesbians. He described anti-gay violence to be “as old as civilization.” Campbell also included data from the NGLTF to suggest that over 10 violent acts were committed against gay men and lesbians in the United States in 1985, an overestimation given NGLTF’s actual numbers. Like NGLTF’s insistence that violence was linked to AIDS backlash, Campbell likewise reiterated that the “AIDS crisis seems to have fueled more violence against gays than ever before in recent history.” On the second page, the pamphlet listed the names of all those gay men murdered in the Twin Cities between Thanksgiving of 1985 and February of 1987. Campbell, however, did not differentiate between solved and unsolved homicides, giving off the illusion that the same person might have committed all the murders, a theory that police investigators discounted. CUAV Pamphlet: Dating: It’s Safer, February 1987. Box 13, Folder Gay Violence, Brian J. Coyle Papers, The Minnesota History Center.

ability to reasonably judge a sex partner. He elaborated, “Every drink and every additional drug consumed decreases your judgment and increases your vulnerability.”<sup>11</sup> Although one could argue that Campbell’s gay moralism was effective by bringing attention to particular behaviors that increased one’s risk to AIDS and violence, by promoting privacy and personal responsibility as cures, Coyle and other gay community activists obscured the structural systems in place that rendered some individuals more prone to early death.<sup>12</sup> This flyer and the one I describe at the opening of this chapter illustrate how CUAU was reflective of an emerging politics of homonormativity, one that provided for a shrunken public sphere and a limited zone of responsible domestic privacy in line with the neoliberal restructuring of urban spaces. In short, homonormative formations achieved cultural normativity and state legitimacy by appealing to neoliberal capital’s investment in privacy.

These homonormative formations emerged out of a historical setting in which the liberal capitalist state ushered in a new mode of governance: neoliberalism. Economists and policymakers heralded neoliberalism, a set of ideologies and policies prioritizing the free market, as a solution to the economic crises of the late-1970s (i.e., the Vietnam War, and the oil crisis).<sup>13</sup> However, the dismantling of a Keynesian system of governance

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<sup>11</sup> Jacqui Banaszynski, “Gays seeking safety after slaying series,” *St. Paul Pioneer Press and Dispatch*, Oct. 23, 1986.

<sup>12</sup> These demands by activists that gay men observe sexual monogamy to protect against AIDS and violence also coincided with police representations that cast gay men and trans women as sexually aberrant subjects. Investigators relied upon queer criminal archetypes of sexually promiscuous gay men and pathological trans women to suggest that victims brought upon *their* own grisly deaths by engaging in sexually deviant behaviors.

<sup>13</sup> According to David Harvey, neoliberalism arising in the late 20th century is a “theory of political economic practices that proposes that human well-being can best be advanced by liberating individual entrepreneurial freedoms and skills within an institutional framework characterized by strong private property rights, free markets, and free trade.” In late capitalism, unfettered markets, thus, serve as purveyors of democratic freedoms and as solutions to social and economic disparities. David Harvey, *A Brief History of Neoliberalism* (London: Oxford University Press, 2007), 2.

characterized by state responsibility in reducing economic and social inequality occasioned a moment of crisis, including rollbacks in social services, and a rise in unemployment, poverty, and homelessness. To abstract the state's waning role in the provision of social services and safety guards, neoliberalism ushered in a cultural emphasis towards discourses and practices of "personal responsibility" and "privatization." Seeing that the racialized poor—populations characterized as irresponsible and underserving—were held responsible for the destruction of the welfare state, the economic crises of the late-1970s were partly solved by the discursive scapegoating of the racialized poor. As the dismantling of the welfare state gave way to the neoliberal capitalist state, homonormative formations materialized as a positive foil to discipline the racialized poor and, by extension, to justify said shifts in the political economy.

On that condition, homonormativity is synonymous with neoliberal capitalist expansion where gay identities and practices coincide with privacy, private property, and propriety. At the same time, white homonormative formations demand privileges at the expense of those populations subjugated by the normative itineraries of race, class, and gender. Namely, homonormativity's compliance with heterosexual normativity instigates exclusions and regulations of subjects whose non-normative gender and sexuality is interpreted through race and class. For instance, in the 1980s, gay leaders invoked homonormativity to support state-sponsored solutions to violence that further strengthened the state's regulatory mechanisms against racial and sexual minorities. Homonormativity buoys racial discourses that interpret the racialized poor as the

aberrations of citizenship and normativity. As a solution to AIDS and violence, spatial monogamy operated alongside the criminalization of various “deviant” constituencies.

On account of these reasons, I am interested in questioning the emancipatory potential of gay hate crimes activism for sexual and gender non-conforming people. Although there are positive aspects to anti-violence gay activism, including the rewards that come with the legal “naming” of marginalized groups seeking political recognition, this assimilationist mainstream gay agenda is fraught with limitations and shortcomings, including pathologizing sex-positivity and upholding the police.<sup>14</sup> In this chapter, I outline the limits of criminal punishment remedies to structurally based problems of racial, gender, and economic subordination in the United States by describing how spatial monogamy, as manifest through anti-violence gay activism and racialized norms of sexual hygiene, emerged as a neoliberal spatial fix to AIDS and violence. By showing that anti-violence gay activists and HIV-educators fully conflated the call to monogamy with threats of violence, I uncover that the criminalization of the racialized poor worked alongside a push towards gay sexual privacy.

First, I will examine how gay hate crimes activism operates as a project of white racial formation by upholding homonormative identities and practices at the exclusion of the racialized poor. Beginning in the 1980s, activists and police used racial and class biases to determine which deaths they could classify as “gay related.” This process of interpellation privileged those men whose gender presentation and relation to private property could be recuperated as normal, respectable, and worthy of belonging under the fold a burgeoning neoliberal politics of homonormativity. Recuperating white gay men

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<sup>14</sup> Dean Spade and Craig Willse, “Confronting the Limits of Gay Hate Crimes Activism: A Radical Critique,” *Chicano-Latino Review* 21, no. 38 (2000): 38-52.



as “victims” likewise depended upon reinforcing criminalizing tropes of the racialized poor.

Next, I discuss how gay hate crimes activism, as an expression of Western human liberalism, is contingent on discourses of racialized criminality and deviance by portraying poor, people of color as culturally predisposed to homophobia, intolerance, and, by extension, crime. Gay hate crimes activism emerged in the context of entrenched anti-black racism in Minneapolis. At a time when the area was being primed for its post-industrial rebirth, city officials worried over what they perceived as an influx of poor, people of color from the Midwestern Rust Belt. Because they cited racial difference as the catalyst behind an increase in crime, city officials called for the dismantling of welfare policies and practices in Minnesota to halt the flow of “urban migrants.” Rather than challenging this line of logic, gay leaders embraced it by relying on race and class particularities to decipher whose death they could recuperate as “gay related.” The resulting image embedded in the public imaginary was the conviction that gay men, victims of violence, were white and that perpetrators of violence were people of color.

And, lastly, I illustrate how gay hate crimes activism operates in the service of neoliberalism by endorsing the upward redistribution of state resources to law enforcement. Since CUAV, like the anti-violence movement from which it emerged, professed that violence against gay men persisted due to the indifference and incompetence of police, CUAV did not challenge criminalization. On the contrary, CUAV demanded its amplification by advocating for state-centered solutions. Eventually, the interests of CUAV’s leadership—those of white, middle-class, gay cisgender men—would come to nearly align with those of law enforcement, resulting in

the anesthetizing of queer culture and politics amid the global restructuring triggered by neoliberalism.

### **An “Epidemic of Violence.”**

In the mid-1980s, white gay leaders pointed to an increase in the number of reports sweeping through the country of verbal and physical assaults against people who were gay or appeared to be gay. Due to the indifference and incompetence of police investigators, gay leaders in several cities created organizations to document what they considered a rising wave of violence against gender and sexual non-conforming populations, to demand greater protection from all branches of government, and to provide support services to survivors.<sup>15</sup> Whether or not bias-related violence actually increased, what remained certain was that gay men, lesbians, and, to a lesser extent, transgender people underwent the development of a collective consciousness born out of their shared vulnerability to repression and violence, both private and public.

One such organization was Community United Against Violence in Minneapolis, named and modeled after an anti-violence project in San Francisco.<sup>16</sup> CUAV and other newly founded anti-violence projects reported on what their staff described as an “epidemic of violence.” For example, in June of 1984, the National Gay and Lesbian Task Force (NGLTF) released a report based on an eight-city survey of 2,074 “homosexuals” that found that “more than 1 in 5 gay men and nearly 1 in 10 lesbians

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<sup>15</sup> Spade and Craig Willse, “Confronting the Limits of Gay Hate Crimes Activism.”

<sup>16</sup> In an organized effort to promote community safety in San Francisco’s Castro District, Community United Against Violence (CUAV) was founded in 1979 following the assassinations of Harvey Milk and George Moscone, along with police attacks on gay men, lesbians, and transgender people. CUAV’s campaigns included a safety whistle campaign, a gay and lesbian speakers bureau for public schools, and a 24-hour crisis line and peer advocate support for both survivors of hate violence and domestic partner abuse.

[had] been punched, hit, kicked, or beaten because of their sexual orientation.”<sup>17</sup>

Although gay rights groups such as the NGLTF recognized that gay men and lesbians had always been subject to violence, they differentiated this wave of violence for the brutality and frequency of attacks.<sup>18</sup>

Throughout the decade, the NGLTF released subsequent reports revealing that assaults and harassment against gay men and lesbians, or at least their reporting, was on the exponential rise. Without a proper mechanism in place to document hate violence against gay men and lesbians, the NGLTF was unable to truly confirm such an increase on a nationwide level. For that reason, the NGLTF developed and systematized a transferrable model of documentation.<sup>19</sup> Gay and lesbian leaders throughout the country

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<sup>17</sup> The report, one of the first of its kind, claimed that the number of reported incidents had increased significantly in the 1980s. The NGLTF’s Anti-Violence Project surveyed “homosexuals” in Atlanta, Boston, Dallas, Denver, Los Angeles, New York, St. Louis, and Seattle. *Anti-Gay/Lesbian Victimization: A Study by the National Gay Task Force*, Box 13, Folder Gay Violence, Brian J. Coyle Papers, The Minnesota History Center.

<sup>18</sup> Urvasi Vaid, spokesman for NGLTF, explained that gay men were more likely than lesbians to be victims of such attacks because “gay men [were] more visible than lesbians, and gay male establishments—such as bars, businesses, and clubs—[were] far more numerous.” James Coates, “AIDS Backlash Gets Violent, Gays Say,” *Chicago Tribune*, Oct. 26, 1986.

<sup>19</sup> In 1985, the NGLTF recorded 2,042 acts of violence in a random survey of 44 communities and 31 states. The following year, the NGLTF reported that incidents of violence and harassment against gay men and lesbians more than doubled to 4,946 complaints of violence. Of these complaints, 70 percent involved insults or threats. Eighty homicides in which a person’s homosexuality appeared to have been a relevant factor were also reported. In 1987, the NGLTF reported that incidents of anti-gay violence rose 42 percent over the previous year as documented by 64 groups in 32 states and the District of Columbia. That year a record 7,008 incidents ranging from verbal abuse to murder were reported to the NGLTF. Despite these staggering numbers, the NGLTF argued that they did not actually reflect the exact extent of anti-gay and lesbian violence because the vast majority of such attacks went underreported. The NGLTF argued that accurate measurement of the problem’s full scope was still hampered by lower than desired rates of reporting by victims and the lack of systematic data collection throughout the U.S. One of the central actions of the NGLTF and of CUAV would, therefore, be to press all level of governments to respond to anti-gay hate violence by collecting data. The mainstream LGBT anti-violence movement argued that the empirical documentation and awareness of violence were central to ensuring its prevention. NGLTF Press Release, Apr. 27, 1987, Box 13, Folder Gay Violence, Brian J. Coyle Papers, The Minnesota History Center.; Anne-Christine d’Adesky, “Congress to Study Anti-Gay Violence,” *The New York Native*, Sep. 22, 1986.; Jean Latz Griffin, “Reports of Gay Harassment Soaring,” *Chicago Tribune*, May 11, 1987.; Jim Schroeder, “Anti-gay harassment, violence rises dramatically,” *Equal Time*, May 13, 1987.; “AIDS blamed as study reports 42% increase in violence against gays,” *Star Tribune*, Jun. 08, 1988; Cynthia Scott, “Hate crimes, anti-gay violence: what you can do,” *Equal Time*, Aug. 17, 1988.

then applied this model of data collection to verify what they suspected as the growth of hate violence. More than a third of the organizations reporting back to the NGLTF concluded that hate violence was more frequent in 1986 than the year prior.<sup>20</sup> The New York City Gay and Lesbian Anti-Violence Project communicated an 83 percent increase in the number of victims who sought its services from 1985 to 1986. San Francisco's Community United Against Violence noted a 50 percent increase in anti-gay violence in 1985 and a 14 percent increase in 1986. As one of the epicenters of the AIDS crisis in the United States, San Francisco experienced what many community activists proclaimed was a continuing rise in the frequency and intensity of anti-gay incidents.<sup>21</sup> But this increase, activists argued, was not merely confined to large urban centers such as New York City and San Francisco. Gay rights groups in other cities similarly reported a rise in violence and harassment against their LGBT constituents.<sup>22</sup> In showing that hate violence

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<sup>20</sup> The NGLTF operated as a national clearinghouse, collecting data from local anti-violence gay and lesbian organizations throughout the United States to examine the rise in assaults around the time AIDS had become a national news story. Brian Coyle informed the Chicago Tribune that he and other gay leaders in the Twin Cities were supplying data about the attacks on gay men to the NGLTF.

<sup>21</sup> In 1984, CUAV received reports of 185 attacks on gay men. In 1985, that number rose to 278. In February of 1986, CUAV released a report discussing rates of violence from October to December of 1985. The report showed that the number of anti-gay incidents reported to CUAV increased 69 percent in the fourth quarter of 1985 (61 incidents) as compared to the fourth quarter of 1984 (36 incidents). The majority of incidents were concentrated to the Castro/Polk area of San Francisco, the historic "gay neighborhood" of the city. More than half of assailants were white men under 20 years of age. Similarly, the majority of clients served by CUAV were gay white men. Meanwhile, between August and October of 1986, police had recorded the murders of five gay men in the Mission District. Quarterly Report and Analysis of Anti-Gay Violence, October-December 1985, CUAV, Feb. 10, 1986, Box 13, Folder Gay Violence, Brian J. Coyle Papers, The Minnesota History Center.

<sup>22</sup> Like San Francisco, Atlanta had similarly witnessed a growing number of homicides against gay men which police were unable or unwilling to solve. The victims' race and transient relationship to property added layers of complexity to the murders that further contributed to police indifference. In the summer of 1986, Atlanta recorded more than 170 homicides, six of which involved the deaths of whom police described as street hustlers. They were black men, ages ranging from 18 to 30. Michael Terry, an African-American 26-year-old tire store employee, confessed to police after being confronted with evidence to killing all six men after having had sexual relations with them. However, the police was unable to notice or unwilling to recognize a "gay" pattern. The police insisted there was no proof that a "homosexual connection" existed and did not believe that the victims even identified as homosexual. Lieut. Horace Walker of the city's homicide squad said, "They were street hustlers who would do a lot of things to turn a buck...They sell drugs, they do sex. It was Terry who said he had sex with them, but we still don't know if

was rampant throughout the country, in both large cities and small towns, activists bolstered claims that hate violence had reached epidemic levels.

White gay leaders offered a number of reasons to explain this rise in violence. They insisted that violent acts and threats were conditioned by a climate of fear and hatred bred by right-wing fundamentalism, police indifference, and bias in the criminal punishment system.<sup>23</sup> Still, perhaps the most powerful tool in fostering violence, according to gay leaders, was AIDS backlash. With the epidemic, Americans were forced to confront homosexuality. Those Americans who lacked deep, personal connections to gay men and lesbians were swayed to conflate homosexuality with AIDS, or so leaders argued. The disease, therefore, provided assailants with a justification for their hostility to homosexuality while rendering gay men more vulnerable to physical attack.<sup>24</sup>

Given these developments, gay leaders framed violence in terms of assailants' fear of HIV contagion. In its 1984 national report, the NGLTF explained that "lone assailants and *gangs* harassed and attacked gay men" (emphasis added) whom they believed to have been "disease-carrying queers" due to news stories of a new "gay plague" that threatened to spread to mainstream America. In San Francisco, CUAV estimated that about 20 percent of all incidents reported to its staff in 1984 stemmed from

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that was voluntary or not." William E. Schmidt, "Atlanta Homosexuals Fear Surge in Random Violence," *The New York Times*, Dec. 2, 1986; In Washington D.C., the United States Park Police reported a series of random attacks against gay men at that city's P Street Beach, including three incidents in October of 1986 in which different "gangs" attacked lone men. James Coates, "AIDS Backlash Gets Violent, Gays Say," *Chicago Tribune*, Oct. 26, 1986.

<sup>23</sup> Gay leaders reasoned that violence could also have been a reaction to the growing visibility of a politically active LGBT constituency as witnessed in mobilizations around sodomy repeal. Along with this newfound political consciousness, leaders believed gay men and lesbians were more willing to come forward and report incidents.

<sup>24</sup> See: Jennifer Brier, *Infectious Ideas: U.S. Political Responses to the AIDS Crisis* (Chapel Hill, North Carolina: University of North Carolina Press, 2009).; Christopher Capozzola, "A Very American Epidemic: Memory Politics and Identity Politics in the AIDS Memorial Quilt, 1985-1993," *Radical History Review* 82 (2002): 91-110.

fear and hatred associated with AIDS.<sup>25</sup> The New York City Gay and Lesbian Anti-Violence Project uncovered that in 28 percent of all New York incidents reported in 1985, assailants taunted their victims with comments about AIDS.<sup>26</sup> Certifying the significance of AIDS backlash to hate violence was also the NGLTF, which emphasized that perpetrators made references to AIDS in 681 or 14 percent of the incidents documented in 1986. The NGLTF ardently propagated the position that the AIDS crisis instigated assailants into attacking and harassing their victims. In its 1987 national report, Kevin Berrill, Director of the NGLTF's Violence Project, wrote: "The AIDS crisis has clearly fanned the flames of anti-gay bigotry."<sup>27</sup> That same year, at a press conference outlining the findings of the group's third annual report, Berrill added, "We are a community under siege. We are battling AIDS and we're battling violence."<sup>28</sup>

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<sup>25</sup> The Dorian Group in Seattle also attributed 22 brutal attacks against gay men to "AIDS backlash." Anti-Gay/Lesbian Victimization: A Study by the National Gay Task Force, Box 13, Folder Gay Violence, Brian J. Coyle Papers, The Minnesota History Center.

<sup>26</sup> Most of the groups reporting to the NGLTF indicated that the public's misconceptions about the transmission of AIDS, and fear and hatred associated with AIDS had worsened the violence. In Chicago, spokespeople for the gay community expressed their belief that violence against gay men was increasing, largely due to AIDS fears. They pointed to bumper stickers announcing, "Clean up Hyde Park. Stop AIDS, Castrate Gays," in the predominantly African-American Hyde Park neighborhood of Chicago's south side in the fall of 1986 to highlight what they perceived as the relationship between AIDS and violence. However, the *Chicago Tribune* interviewed the director of research for the Illinois Gay and Lesbian Task Force who revealed that the anti-gay violence had been centered in the predominantly white Boystown area of East Lakeview in Chicago, where "gaggles of young men" attack gay men. (The director of IGLTF accused the Chicago Police Department of not responding adequately to violence: "They assume any gay man who gets beat up was asking for it by lurking or cruising.") By being unwilling to locate anti-gay violence in other areas of the city, including Hyde Park, the director of IGLTF normalized anti-gay violence as something that was inflicted against primarily white gay men in the north side of Chicago. According to this logic, all other assaults or harassment inflicted against gay men, lesbians, or trans people of color in the west side or south side of Chicago were not necessarily reflective of anti-gay violence. Race, class and place, therefore, were just as important as sexuality in determining whose assault or harassment classified as "gay-related." James Coates, "AIDS Backlash Gets Violent, Gays Say," *Chicago Tribune*, Oct. 26, 1986.

<sup>27</sup> Jean Latz Griffin, "Reports of Gay Harassment Soaring," *Chicago Tribune*, May 11, 1987; "NGLTF Press Release, Apr. 27, 1987." Box 13, Folder Gay Violence, Brian J. Coyle Papers, The Minnesota History Center.

<sup>28</sup> "AIDS blamed as study reports 42% increase in violence against gays," *Star Tribune*, Jun. 08, 1988.

Despite the insistence of activists that verbal and physical assaults against gay men and lesbians was on the rise, police departments in many cities were unable, or unwilling, to investigate. This is possibly the result of how police investigators defined “bias related crime” differently than activists. Whereas activists treated assaults as “gay related,” by virtue of the victim’s sexual orientation, police primarily focused on the details of the crime.<sup>29</sup> Another discrepancy fueling the tense nature between police and activists is that there existed no government-mandated recording of bias-related crimes. Because police did not record the sexual orientation of victims and perpetrators, the studies conducted by organizations such as the NGLTF and CUAV were the only sources of such data.

To bring greater awareness to anti-gay attacks, gay leaders proposed creating gay and lesbian hate violence a criminal category unto itself. Throughout the latter half of the 1980s as the AIDS epidemic wreaked havoc on gay and bisexual men and IV-drug users, anti-violence gay activists focused their energies on garnering support in Congress to pass sexual orientation-inclusive hate crime legislation. However, as historian Christina B. Hanhardt reminds us in *Safe Space*, the pursuit of state-centered solutions to violence coincided with the expansion of mass imprisonment in the United States as part of the war on drugs. This confluence illustrates how demands for social membership for gay men and lesbians hinged on discourses and practices of racialized criminality and deviance. I extend Hanhardt’s analysis by elaborating upon gay hate crimes activism as a project of white racial formation that privileged homonormative identities and practices.<sup>30</sup>

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<sup>29</sup> Hanhardt, *Safe Space*.

<sup>30</sup> Lesbians were largely absent from gay hate crimes activism for several reasons. First, the Twin Cities was ground zero to an anti-pornography movement comprised by lesbian feminists. This movement

## **The Mean Streets of Minneapolis.**

In Minneapolis, white gay leaders agreed with the NGLTF's assessment of an increase in anti-gay violence. They acknowledged that the recent murders of gay men were representative of a nationwide increase in anti-gay violence triggered by the AIDS crisis. Minneapolis City Council Member Brian Coyle, who represented a ward which included a large portion of the city's gay population, supported the NGLTF's position. He concurred that AIDS had "given justification to homophobic and psychotic individuals to attack gays."<sup>31</sup> The truth of the matter, however, was that violence against gay men and trans women transpired long before the AIDS crisis. In the 1970s, about four-dozen gay men and trans women were murdered in the Twin Cities. The greatest predictor of one's vulnerability to violence, in both its private and public guises, was race and sexuality. According to Ryan Murphy and Alex Urquhart in their history of public sexual cultures in the Twin Cities, "to deviate from nuclear norms—whether as a gender-nonconforming person, a poor or homeless person, or a person of color—could cost a person his or her life." Visible differences in race, class, gender, and sexuality rendered people more vulnerable to interpersonal and systemic violence.<sup>32</sup>

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underscored the vast ideological disagreements between lesbians and gay men. In their definition of violence, lesbian feminists stressed the harms of pornography against women. However, gay men largely defended the social benefits of pornography and the adult businesses that sold these items for enabling gay male sociality. Lesbian feminists also critiqued gay men for their own unexamined misogyny, citing their treatment of Anita Bryant as sexist. See: Georgina Hickey, "The Geography of Pornography: Neighborhood Feminism and the Battle against 'Dirty Bookstores' in Minneapolis," *Frontiers: A Journal of Women's Studies* 32, no. 1 (2011): 125-51; Stewart Van Cleave, *Land of 10,000 Loves: A History of Queer Minnesota* (Minneapolis: University of Minnesota Press, 2012).

<sup>31</sup> Jacqui Banaszynski, "Murders, fear haunt gays," *St. Paul Pioneer Press*, Sep. 28, 1986.

<sup>32</sup> Ryan Patrick Murphy and Alex T. Urquhart, "Sexuality in the Headlines: Intimate Upheavals as Histories of the Twin Cities," in *Queer Twin Cities: Twin Cities GLBT Oral History Project*, ed. Kevin P. Murphy et al. (Minneapolis, MN: University of Minnesota Press, 2010): 68.



By the mid-1980s, more than forty individuals who violated this “white, suburban, middle-class, heterosexual domesticity,” were murdered.<sup>33</sup> In 1984, the Crime Victims Centers of Minneapolis reported an increase in the rates of violence directed against sexual and gender non-conforming populations.<sup>34</sup> From 1984 to 1987, more than 12 gay men or trans women were brutally murdered.<sup>35</sup> Although police investigators did not suspect the killings to be related, gay leaders underscored the similarities.<sup>36</sup> Because most victims, primarily older, white gay men, were robbed and killed in their own home, without any sign of forced entry, leaders suspected victims invited their killers home, possibly for sex. Leaders, therefore, zeroed in on the sexual practices of victims to warn others of the dangers of anonymous sex. Conversely, police investigators implied that victims were partly responsible for their own death. In the eyes of leaders and police, a noticeable pattern emerged. Middle-aged or older gay men cruised for sex in public parks or gay bars and invited young men into their homes for sex. Instead of sex, the younger

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<sup>33</sup> Ibid.

<sup>34</sup> Eric Stults, “Crime Victims Center: more attacks, more police mistreatment,” *Equal Time*, Nov. 14, 1984.

<sup>35</sup> It is difficult to pinpoint the exact number of gay men/trans women murdered between 1984 and 1987 in part due to differences in categorizing. While gay leaders tended to treat homicides against gay men as “gay-related,” the police were more likely to characterize homicides as robberies. Also, some of the gay men murdered were not publicly “out” so there was uncertainty whether their sexuality played a factor in their deaths.

<sup>36</sup> In April of 1984, D.J. Johnson, a close friend of Brian Coyle’s in his 60s, was beaten to death in his Cedar Square West apartment. A couple of months later on June 10, 1984, James Traetow, a 33-year-old free-lance public relations consultant and former writer for *Equal Time*, a gay and lesbian newspaper in the Twin Cities, was shot to death in his Seven Corners Coop Apartment by two men, 21 and 19, that he had invited home to engage in sex. The third violent killing of a gay man in Minneapolis in less than two years occurred on September 15, 1985, when the body of James Michael McArthur was found in his Loring Park apartment. An 18-year-old man he had also met in Loring Park for the purposes of sex stabbed McArthur, who worked as an ambulance dispatcher, in the back. “Gay men need support, too,” *Equal Time*, Oct. 2, 1985; “Men charged in Traetow’s murder,” *Equal Time*, Oct. 30, 1985; “Traetow’s murderers convicted,” *Equal Time*, Mar. 18, 1987.

men would beat, rob, and, at times, kill their hosts.<sup>37</sup> Gay leaders used this wave of anti-gay violence to promote a gay moral politics that upheld privacy, private property, and propriety: homonormativity. This politics exalted sexual monogamy and made gay men personally responsible for preventing both violence and the spread of AIDS. At the same time, gay leaders invoked homonormativity to support state-sponsored solutions to violence that further strengthened the state's regulatory mechanisms against racial and sexual minority formations.

Those in positions of power within the gay community in the Twin Cities conjured this politics of homonormativity to frame the quick succession of murders in the winter of 1985. These murders ignited fears among gay men that a serial killer was roaming public parks, stalking his next victim. On December 23, 1985, a building manager at a "prestigious" address just off Loring Park discovered the body of Lyle E. Kastner, a 43-year-old retired contractor. Neighbors requested Kastner's apartment be checked after he had last been seen six days prior. Then, on December 31, 1985, the body of John J. Kieley, a 58-year-old maintenance worker at the Veterans Administration Medical Center, was discovered at his south Minneapolis apartment, after he failed to show for work the evening before. Homicide detectives suspected the same person was responsible for both deaths, given similarities in the cases. Both bodies had been found nude or semi-nude. Kastner had several neckties wrapped tightly around his neck and Kieley was strangled with a cord. Detectives announced that they believed the killer met Kastner and Kieley at a gay bar where the two men were identified as patrons. Since

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<sup>37</sup> Coyle told the *Star Tribune* that the James Michael McArthur killing was a reminder that gay men "continue to be wary of the park. There are always going to be those kinds of personalities around. Homicides are increasing and it's dangerous on the streets." "Gay men need support, too," *Equal Time*, Oct. 2, 1985.

there were no signs of a forced-entry at either location, detectives concluded the victims invited their killer inside. Police investigators, certain that a killer was preying on men in downtown bars, circulated flyers seeking information. After performing interviews, investigators generated a vague description of a possible suspect: a white hustler, in his early 20s, who had recently moved to Minneapolis.

Gay leaders concluded from the grisly deaths of Kastner and Kieley that gay men who engaged in anonymous sex faced not only a heightened risk for HIV, but also corporeal harm.<sup>38</sup> In an interview with *Equal Time*, Coyle warned that any gay man “who doesn’t first ask around about somebody they are interested in is making a big mistake.” Coyle described the victims as older gay men who “[tended] to be more lonely and desperate for sexual contact, especially if they hadn’t had much contact in a while.” It was this so-called desperation for “sexual contact,” Coyle stated, that overcame men’s “fear of taking home a stranger.”<sup>39</sup>

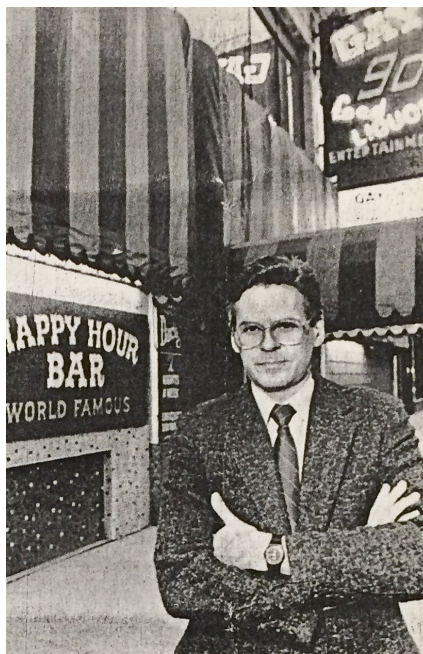
Prompted by the string of violent attacks, Coyle called an emergency meeting to discuss “this murderous rampage by a few sick but dangerous individuals.” In an impassioned letter addressed to the mayor, leading police officers, elected officials, prosecutors, gay bar owners, and gay leaders, Coyle pleaded that “us all, gay and straight, wake up to this murder wave and come together to plan...strategies to stop the killing.” The letter condemned the actions, or lack thereof, of city officials for being “silenced by

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<sup>38</sup> A few months after Kastner and Kieley’s murder, the MPD would release a sketch of a man whom they believed to have strangled Kieley and Kastner in December of 1985. The sketch was of a man whom store clerks had seen using credit cards belonging to Kieley and Kastner. Clerks had described him as a white male in his late teens and early twenties. The MPD distributed the sketch to gay bars on Hennepin Av., other law enforcement agencies in the surrounding municipalities, and the local media. “Police seeking murder suspect,” *Equal Time*, Jan. 8, 1986; “Sketches of gay murder suspects released,” *Equal Time*, Mar. 5, 1986.

<sup>39</sup> Ibid.

their own homophobia,” insisting that if those killed were “straight Norwegian bachelors,” officials would be more active (Figure 2.3). He also criticized the supposed dearth of attention placed on the crimes by both mainstream and the local gay press. But he reserved his harshest critique for individual gay men, whom he argued had failed to mobilize in response to the violence and, instead, continued to engage in casual sex with anonymous partners. Coyle attributed this “complacency” among gay men to being “increasingly preoccupied and traumatized by the impact of AIDS.” Ultimately, the “burden...to defend itself – as seriously protecting their safety as their health” lay within the community, Coyle wrote.<sup>40</sup>



**Figure 2.3: The original caption for this photo read: “‘The streets are getting meaner every day:’ Gay councilman Brian Coyle in an area frequented by Minneapolis’ homosexuals.” James Coates, “AIDS backlash gets violent, gays say,” *Chicago Tribune*, Oct. 26, 1986.**

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<sup>40</sup> Coyle observed that there had been no sign of forced entry in these cases, therefore, the victims probably knew their assailants. He believed that the victims, “older, acknowledged gay men,” took home hustlers, “younger [men], probably uncomfortable with [their] own sexuality.” Coyle hypothesized that rage as well as robbery were motivating factors in the murders. Emergency Meeting Announcement from Council Member Brian Coyle, Jan. 28, 1986, Box 13, Folder Gay Violence, Brian J. Coyle Papers, The Minnesota History Center.

The only people, whose actions were commendable, according to Coyle, were the police investigators. After long criticizing police for their raids on gay bookstores and bathhouses at the peak of the anti-pornography feminist-led movement in the Twin Cities, Coyle publicly praised the Minneapolis Police Department for “responding to a growing threat” and for “doing an adequate job in this whole situation.” For Coyle, the MPD had “presented the facts in a dispassionate manner, [had] interviewed the affected community, and [had] pursued suspects where there are leads.”<sup>41</sup> Perhaps part of the reason why Coyle admired the actions of police investigators is because the two so readily agreed on the psychological profile of victims.

Police investigators echoed Coyle’s critiques of gay men’s sexual behaviors. In an interview with the *Star Tribune*, the leading daily newspaper, Minneapolis Police Chief Tony Bouza agreed with Coyle that the murder rate among gay men in the Twin Cities had risen and that it was disproportionately higher than among heterosexual men and women. Although Bouza recognized that gay men were “at risk” and “vulnerable,” he conceded that this risk and vulnerability was exacerbated by the nature of gay men’s sexual behaviors. Bouza described gay men as being too “trusting, frequently bringing strange people into their homes and seeking a good deal of casual encounters.” While Bouza did not believe that gay men deserved to be killed, he remained convinced that they placed themselves at greater risk by engaging in anonymous sexual encounters. In that same *Star Tribune* article, Coyle partly challenged Bouza’s claims but did not defend the victims. Rather, Coyle insisted that not all gay men sought sexual partners at gay bars or public parks. He countered, “A majority of gays in this town don’t even go to the bars.

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<sup>41</sup> Emergency Meeting Announcement from Council Member Brian Coyle, Jan. 28, 1986, Box 13, Folder Gay Violence, Brian J. Coyle Papers, The Minnesota History Center.

And I am in no way claiming that a majority of people who go to bars take home strangers.” There were, however, “people *out there*” (emphasis added) who were “willing to take that risk.”<sup>42</sup>

The police department’s confirmation that a recent murder-arson victim was gay, and Coyle’s growing frustration with gay men for not taking precautions to protect themselves, led Coyle to call a late emergency afternoon meeting on January 30, 1986, at City Hall. In attendance were prominent members of the local gay and lesbian community, police officials, and political leaders including the city attorney, and six council members.<sup>43</sup> Meeting attendees brainstormed several strategies for alerting gay men to the supposed dangers of casual sex with anonymous partners. Gay bar owners decided to match the \$5,000 reward offered by Crime Stoppers for information leading to the arrest of the killer or killers. Because most of those murdered were middle-aged and older gay men, those at the meeting proposed a number of different ways to better address the needs of this population, including offering community services. Tim Campbell, editor of the *GLC Voice*, pleaded with police representatives that they permit the operation of escort services for middle-aged, older gay men.<sup>44</sup> Campbell also suggested a type of buddy system, “Adopt-An-Auntie,” in which younger gay men watched out for older gay men, ensuring that the latter did not go home with strangers. Coyle’s office, on the other hand, proposed establishing a “Gay and Gray Center” that offered social activities, discussion groups, and “outreach to senior closeted gays.” In

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<sup>42</sup> Ibid.

<sup>43</sup> Before the meeting, Coyle held an impromptu news conference, during which he praised the investigative efforts of the MPD. He also publicly lashed out at the “complacent attitude” of gay men who continued to bring home strangers. Later in the meeting, Coyle scolded gay men for being “naive and indifference.” Van A. Hayden, “Gay killings prompt ‘summit’,” *MN Daily*, Jan. 31, 1986.

<sup>44</sup> Campbell asked the MPD to treat these escort services with the same discretion given to massage parlors.

spite of these proposals, everyone in attendance agreed that a message warning gay men of casual sex with anonymous partners was the appropriate course of action. Jon Tiggas, owner of the Cloud 9 bar, echoed this directive when he encouraged gay men to date instead of merely partaking in anonymous sex: “There’s a lot of fear out there. I’d encourage gay men to meet a person a second time and get to know them before going home with them.”<sup>45</sup>

In addition to coordinating the ideological response to violence against gay men, the meeting was noteworthy because Coyle requested that police representatives survey other major U.S. cities to determine if a visible pattern of anti-gay violence existed. Farrell promised to communicate with police departments in other cities to confirm if they were similarly witnessing a surge in anti-gay violence.<sup>46</sup> Officials from MPD’s Administration Service Division (ASD) conducted a telephone survey of ten large cities randomly selected. They hoped to gather “pertinent information that may assist the administration and concerned investigating division in tactical planning measures.” Despite these hopes, once they compiled the results, ASD officials “found nothing that would indicate a clear pattern of homicides upon homosexual males, nor any indication of a developing trend.”<sup>47</sup>

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<sup>45</sup> J.C. Ritter, “Bar owners offer reward to solve string of gay murders,” *Equal Time*, Feb. 5, 1986.; Van A. Hayden, “Gay killings prompt ‘summit’,” *MN Daily*, Jan. 31, 1986.; Mike Kaszuba, “Gay leaders ask support from community,” *Star Tribune*, Jan. 31, 1986.

<sup>46</sup> Tim Campbell, “Wave of murders may total nine: Brian Coyle calls emergency meeting,” *GLC Voice*, Feb. 3, 1986.

<sup>47</sup> The Administration Service Division of the Minneapolis Police Department randomly surveyed Miami, Dallas, San Francisco, Houston, San Diego, Seattle, Baltimore, and Cincinnati. New York and Detroit were asked to participate but did not respond to the request for information. Of the cities that did participate in the survey, none felt that their jurisdiction had experienced a recent increase in homicides directed at “homosexual victims” in 1985 as compared to previous years. The ASD, thus, reported “there was not a significant difference in the total number of homicides with homosexual victims comparing each of the responding surveyed cities or in comparison to Minneapolis.” The ASD, however, did acknowledge that the “sexual preference of victims” had not been “a major concern in prior years nor is statistical data

Coyle was not satisfied with the results of the ASD's survey. In an interview with *Equal Time*, Coyle discounted the survey's results, claiming that that he had personally received information from other major cities confirming an increase in anti-gay violence. If anti-gay hate violence was on the rise, Coyle believed the Twin Cities was particularly hurt by the absence of a single, on-going agency or organization devoted to documenting and studying violence against gay men. After lauding the work of anti-violence gay organizations in major U.S. cities, Coyle confessed, "Maybe we have something to learn from New York and San Francisco."<sup>48</sup> These two cities were home to the biggest anti-violence gay organizations in the country to which Coyle looked in replicating the Twin Cities' very own anti-violence project.

At the beginning of 1986, after the unsolved murders of Kastner and Kieley and other attacks against gay men, Coyle jumped into action, leading the effort to educate the public about the killings, to foster cooperation with police, and to encourage the launch of an anti-violence campaign. Regardless, these efforts never truly materialized. Gay leaders were more preoccupied with AIDS-related campaigns and with sodomy repeal efforts. In an interview with the *St. Paul Pioneer Press*, J.C. Ritter, a long-time writer for *Equal Time*, stated that "AIDS, politics, everyday survival," pressed the attention of gay men,

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maintained in such a fashion," therefore it would prove "difficult to measure any increase or decrease in the number of homicides directed at homosexual victims." Because law enforcement departments did not document the sexual orientation of crime victims, the ASD's survey could not statistically confirm an increase or decrease in the rates of violence directed against gay men, lesbians, and trans people. The survey did question assumptions that anti-gay hate violence was largely a stranger-to-stranger crime motivated by bias. The survey found that the primary motive—among both homosexual and "other" suspects—was robbery, burglary and domestic violence, with 75 percent of all assailants knowing their victims. The ASD concluded: "The survey did not provide information that could significantly impact our tactical planning measures." Homicide Survey, March 14, 1986, Box 13, Folder Gay Violence, Brian J. Coyle Papers, The Minnesota History Center.

<sup>48</sup> Coyle confessed that he was "not terribly happy" with the results. He characterized the ASD's survey to be "indicative of what we get when we ask other people to do our work for us." Coyle insisted that his office staff had received an increased number of calls concerning anti-gay violence in Minneapolis. J.C. Ritter, "MPLS. police conduct gay homicide survey," *Equal Time*, Apr. 2, 1986.



more so than violence. Although gay men talked about violence and became “scared for a little while,” Ritter explained that news sources did not cover anti-gay violence nearly as much as they did AIDS. He explained, “You can’t forget about [AIDS], much as you want to. With violence, it’s news today and gone tomorrow.”<sup>49</sup> To summon gay men’s attention, therefore, Coyle had to forge a connection between HIV-prevention and violence awareness. Although the summer of 1986 remained relatively quiet in terms of anti-gay violence, the autumn saw a number of gruesome murders against gay men that galvanized the public and the national press. That same year Coyle learned he had contracted HIV.<sup>50</sup> Although he did not publicly disclose his status at the time, Coyle’s diagnosis pervaded his mission to convince gay men of the dangers of anonymous sex.

### **Queer Criminal Archetypes.**

The nine-month streak of no gay-related murders was broken in the autumn when a deaf gay man and a homeless transgender woman of color, Phyllis Olson, whose case I introduce in chapter one, were murdered. Their marginalization within gay hate crimes activism reveals how gay leaders privileged constructs of same-sex desire rooted in a politics of homonormativity that, in turn, exalted white racial formations and able-bodied discourses. This assimilationist drive of gay hate crimes activism also exposes how gay leaders isolated specific instances of violence against gay men and transgender women as mere acts of individual prejudice—not a hate crime—in the process, obscuring an understanding of the systemic, institutional nature of gender and sexual marginalization and its intersection with other forms of social inequality. As a result, gay hate crimes

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<sup>49</sup> Jacqui Banaszynski, “Murders, fear haunt gays,” *St. Paul Pioneer Press*, Sep. 28, 1986.

<sup>50</sup> Jon Jeter, “A Will to Live, to Speak Out: City Council’s Coyle Reveals 5-Year Fight with AIDS Virus,” *Star Tribune*, Apr. 24, 1991.

activism operated in the service of white racial formation given its disavowal of the institutional and intersectional articulations of violence. Because it privileged particular racial, class, and spatial positionalities, gay hate crimes activism codified homonormative identities and practices as it simultaneously ostracized the racialized poor and transgender women, ironically enough, the populations most likely subjected to bias-related crime.

On September 17, 1986, after the still unclaimed \$5,000 reward had been established by gay bar owners, Fred Riga, a 30-year-old gay deaf man, was found strangled in his south Minneapolis apartment. Summoned by concerned neighbors, a police officer discovered Riga's nude body. Riga was the fourth gay man to have been slain in Minneapolis in the previous 12 months.<sup>51</sup> Police investigators focused on his deafness to deduce that Riga was vulnerable to violence because he was "handicapped." And then on September 24, 1986, a commuter in route to work found the body of Phyllis Olson, a 30-year-old American Indian transgender woman, on a footbridge in downtown Minneapolis. At the time of her death, Olson had been staying at a cheap downtown motel. Homicide detectives and gay leaders focused on her transient relationship to private property and her numerous prostitution arrests dating back to the 1970s to conclude that her death was a logical extension of her deviant lifestyle. The Minneapolis Police Department even "leaked" her HIV-positive status to the press, generating a flurry of public hostility that highlighted the racial and class tensions animating AIDS moral panic.<sup>52</sup> Although details in Olson's death were similar to those in the December 1985

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<sup>51</sup> Some gay leaders even claimed Riga might have been the 11th victim in the past two years.

<sup>52</sup> Because police suspected Olson continued to engage in sex work even after her HIV diagnosis, gay leaders denied her the same attention, time, and sympathy devoted to other gay victims. While health officials used Olson's death to call for stricter restrictions on sex workers, Coyle used her death to reflect on the dangers of unregulated queer sexuality. Since Coyle assumed Olson knowingly infected others and

slayings of Kastner and Kieley, homicide detectives refused to publicly tie Olson's death to theirs.<sup>53</sup>

What homicide detectives did emphatically acknowledge was that Riga and Olson, like Kastner and Kieley, engaged in sexual practices that contributed to their death. In an interview with the *St. Paul Pioneer Press*, Captain Jack McCarthy, head of the Homicide Unit in Minneapolis, described Riga and other homicide victims as "high-risk gays."<sup>54</sup> For homicide investigators, the links in the homicides lay not in the perpetrators, but rather in the lifestyle of victims. Their focus on the victims' sexual practices, in turn, shaped how police conducted their investigations.

In an official interoffice communication sent out to "concerned public officials" pertaining to "gay-related homicides for the past three years," McCarthy included bullet-point descriptions of the sexual practices of victims. Under Riga's name, along with the date of death, case number, and home address, McCarthy added that Riga was a "[s]exually active gay, known to take strangers home frequently and get into fights." McCarthy employed this tone to throughout the interoffice communication, focusing first and foremost on the sexual practices of victims, at the expense of addressing the actions of assailants.<sup>55</sup> McCarthy simply referred to Olson as a "transvestite prostitute."

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that she did not practice safe sex, he thought it was important to publish Olson's HIV status to turn up others who might have been exposed to her.

<sup>53</sup> Kevin Diaz, "City man found strangled to death is fourth gay to be slain in 12 months," *Star Tribune*, Sep. 18, 1986.

<sup>54</sup> Although McCarthy pointed out that the murders were dissimilar in a number of ways, he underscored that all the homicide victims participated in casual sex with anonymous partners. In all three cases of strangulation, McCarthy observed, the victims frequented gay bars and their apartments showed no signs of forced entry, suggesting the victims invited their killer home. Like McCarthy, Robert Lutz, Deputy Police Chief for Investigations, told the *Star Tribune* that the links in the homicides lay not in the perpetrators but rather in the lifestyles of victims.

<sup>55</sup> For Lyle Kastner, McCarthy wrote: "Active gay; picked up strangers in Loring Park and bars on Hennepin—robbery." Like Riga, McCarthy similarly focused on the actions of Kastner, "picked up strangers," before he announced the motive for the murder, "robbery." For James Traetow, who was

McCarthy's approach in the interoffice communication reflects how police investigators collected information, or rather interpretations, on the sexual practices of victims and included this "data" along with other quantifiable case details. By doing so, police investigators shifted responsibility on gay men and trans women to prevent their own violence and shamed them into modifying their sexual practices.

The mainstream press reinforced the negative characterization of gay victims created by police investigators. The press depicted Riga as a monstrous figure whose predatory behaviors caused his death. The *St. Paul Pioneer Press* claimed that a "disabled" Riga was "known at the gay bars as an aggressive hustler and heavy drinker."<sup>56</sup> The *Chicago Tribune* called him "a deaf-mute who frequented gay bars and took young men home to live with him until they found jobs." The *Star Tribune* divulged that Riga was unemployed and that he had no known relatives in the area, meaning he was an outsider. The *Star Tribune* even interviewed acquaintances of Riga who substantiated that he often took strangers home from the gay bars. Mike Bloom, manager of the Gay 90s, disclosed to the *Star Tribune* that Riga, who frequently came to the bar

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murdered on June 10, 1984, and for whom Jerry Volk and John Hamilton were arrested and charged, McCarthy described his case: "Gay—picked up strangers in Loring Park & took them home—murdered in robbery." "Interoffice Communication from McCarthy pertaining to Gay-Related Homicides," Nov. 7, 1986, Box 13, Folder Gay Violence, Brian J. Coyle Papers, The Minnesota History Center.

<sup>56</sup> Writing for the *St. Paul Pioneer Press*, Jacqui Banaszynski described Riga and the other gay male victims as "vulnerable." However, Riga, who was in his early 30s, did not fit the age pattern of the other victims. Therefore, Banaszynski characterizes the "younger ones, who would seem better able to defend themselves," as individuals known to have been "drunk or emotionally disturbed at the time of their deaths." To substantiate her claims, Banaszynski interviews Jim St. George, the then-Chairman of the Board of MAP (Minnesota AIDS Project), who agrees that the "leading lifestyle" of all these victims placed them at a greater risk for violence. Banaszynski elaborates upon St. George's comments by pointing out "according to police and members of the gay community," some of the victims were "regulars at the gay bars and had a reputation for cruising or picking up strangers for sex." Those who were "less open about their homosexuality," she writes, were believed "to cruise in the parks and adult bookstores in search of anonymous liaisons." Banaszynski reasons that these "secretive encounters" were "dangerous" because gay men did not truly know whether their partners were "safe" both in terms of transmitting the AIDS virus and in their potential to inflict physical harm. Jacqui Banaszynski, "Murders, fear haunt gays," *St. Paul Pioneer Press*, Sep. 28, 1986.

with a group of other deaf gay men, was “well known for picking up people or being picked up on Hennepin Av. and Loring Park.”<sup>57</sup> A Gay 90s’ bartender who was “familiar” with sign language and often waited on Riga notified the *Star Tribune* that Riga sometimes dressed as a woman, contributing to the psychological profile of Riga as someone who might have presumably experienced “gender dysphoria.” Riga’s deafness along with his and Olson’s gender nonconformity illustrates that gender, race, and physical ability circumscribed the ways law enforcement authorities, the mainstream press, and even gay leaders memorialized or shunned victims. When making sense of these deaths, police, the media, and gay community activists treated deviations from socially constructed norms of gender, sexuality, and domestic space as legitimate bases for suspicion.

Law enforcement authorities, gay leaders, and the mainstream press underscored the gender nonconformity of Riga and Olson to call into question their victimhood. In *Queer (In)Justice*, Joey Mogul, Andrea Ritchie, and Kay Whitlock argue that dominant actors and institutions have historically characterized gender nonconformity as intrinsically confused and deceptive. For law enforcement, gender transgressive people tend to signal disorder and fraud. They explain, “Gender nonconformity in appearance or expression gives rise to police presumptions of disorder, violence, and mental instability, among other qualities.”<sup>58</sup> Police officials do not treat gender nonconformity as a value-free category of social difference. On the contrary, gender non-normativity negatively

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<sup>57</sup> Kevin Diaz, “City man found strangled to death is fourth gay to be slain in 12 months,” *Star Tribune*, Sep. 18, 1986.; Jacqui Banaszynski, “Murders, fear haunt gays,” *St. Paul Pioneer Press*, Sep. 28, 1986.; James Coates, “AIDS Backlash Gets Violent, Gays Say,” *Chicago Tribune*, Oct. 26, 1986.

<sup>58</sup> Joey L. Mogul, Andrea J. Ritchie, and Kay Whitlock, *Queer (In)Justice: The Criminalization of LGBT People in the United States* (Boston, MA: Beacon Press, 2011): 67.

shapes police perceptions of criminality and victimhood. Gender nonconformity, therefore, comprises a set of criteria that dominant actors and institutions employ to deny rights and protections to particular victims of violence.

Historically, a specter of criminality has cast a suspicious shadow on the lives of queers in the United States. The narratives and scripts that emerge in its wake are so “vivid, compelling, and entrenched” that they are properly characterized as archetypes or “recurring, culturally ingrained representations that evoke strong, often subterranean emotional associations or responses.”<sup>59</sup> These archetypes, however, do not operate in a vacuum. More precisely, they meld with broader notions of criminality informed by race, class, and gender. Together, they result in a number of closely related and mutually reinforcing “queer criminal archetypes” that influence the policing and punishment of queer people, or those living outside appropriately gendered and raced heterosexual norms. At once political and cultural creations, queer criminal archetypes become fixed in the public consciousness through prosecutorial and media depictions. In some instances, advocacy groups and community activists even play a critical role in reinforcing and amplifying these paranoia-inducing images and narratives. Built upon early pathologizing medical and scientific assessments of homosexuality and gender nonconformity from the late nineteenth to the mid-twentieth century, queer criminal archetypes do not describe actual human beings; they merely reflect “cold, terrifying abstractions.” Yet they “wield significant societal clout.”<sup>60</sup> In addition to shaping policy and determining the distribution of protections and rights, queer criminal archetypes and their unifying narratives determine state and activist responses to violence against LGBT

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<sup>59</sup> Ibid., 23.

<sup>60</sup> Ibid., 25.

people. Ultimately, queer criminal archetypes determine who is labeled a victim and who is labeled a criminal.

As gender non-conforming pariahs, Riga and Olson embodied the emblematic traits of the queer criminal archetype of the “lethal gender bender” including “gender anguish, deception, and disguise.”<sup>61</sup> Law enforcement authorities, gay leaders, and the press emphasized that Riga dressed as a woman and described Olson as a “transvestite” to portray them as individuals caught in the grips of psychological gender confusion hell bent on the destruction of innocent others. Since Riga oftentimes housed young, presumably heterosexual, men in his apartment until they found their footing, police descriptions of Riga harkened back to stereotypes of gay men as sexually depraved predators. On the other hand, as an HIV-positive “straight prostitute,” Olson supposedly deceived white suburban heterosexual married men and, by extension, posed an imminent danger to unsuspecting wives and children. Together, Riga and Olson were cast as the perpetual threat to the raced, gendered, and classed social order of America’s heartland. According to this logic, Riga and Olson’s death were necessary to re-stabilize that social equilibrium. Their deviance, as manifest through gender non-conformity, was further amplified by Riga and Olson’s particular social positioning. As a deaf man, Riga confronted descriptions that cast him as a mentally unstable individual whose immature decision-making and twisted sexual desires led to his death. As a homeless person of color, Olson encountered images of threatening, hyper-sexualized men and women of color that further denied her victimhood status. Although Riga and Olson were both

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<sup>61</sup> Ibid., 30.

marginalized within gay hate crimes activism, they each experienced that marginalization differently given their racial positionality and material relationship to private property.

Despite similarities in Olson's death with those of other gay victims, police and gay leaders refused to publicly tie them together because they understood and defined violence according to a race- and class-based homonormative logic.<sup>62</sup> Gay community activists created an image of the typical hate crime victim as a white, middle-class gay man without a criminal past, with access to the private sphere of the home. Specifically, police and leaders long stressed that victims fit a pattern. They focused on victims as single white men, usually older, who were allegedly unsuccessful building intimate connections with other men in socially approved settings, possibly the result of shame, itself a supposed product of gay men's marginalized status in society. That is why, police

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<sup>62</sup> On Nov. 13, 1986, Eau Claire Police discovered the nude body of Dale Staupe, a 28-year-old dairy herd analyst, on the floor of his bedroom, hands and feet bound, a steel collar wrapped around his neck. Eau Claire remains a sleepy, economically depressed town of Wisconsin, 80 miles east of the Twin Cities. Eau Claire is a sleepy, economically depressed town of Wisconsin, 80 miles east of the Twin Cities. The gay press observed that Staupe's death shared "eerie similarities to some of the gay-related homicides in Minneapolis." For one, Staupe was a closeted gay white man whose "secret [might] have killed him." Friends agreed with police that Staupe fit into a pattern of victims: single men who floated on the edge of a gay lifestyle and were willing to take sexual risks. They suspected that Staupe might have been careless one night and picked up someone, confused over his own sexuality, who in a fit of homophobic rage killed Staupe. Before Eau Claire Police apprehended a suspect, Brooklyn Center Police contacted the department to discuss the similarities between Staupe's case and that of Steven Kangas. (Three months later, police arrested and charged a 19-year-old white man for the murder of Staupe.) On Jan. 6, 1987, the partially clad body of Steven Kangas, a 32-year-old nursing assistant, was found tied to his bed in his Brooklyn Center townhouse apartment. Like Staupe, Kangas' feet and hands were bound. He had also been beaten about the head, and strangled.<sup>62</sup> Investigators believed Kangas, a white man, brought someone home he met the night before. According to eyewitnesses at the Gay 90s, Kangas visited a nearby erotic bookstore where police believed he picked up the person who killed him. The following day, Brooklyn Center Police released a composite sketch of the suspect and like in previous cases it was of a white man in his late 20s. Police publicly disclosed that Kangas' case might have been related to that of Kastner, Kieley, and even Riga. It did not mention Olson. "Suspect charged in Eau Claire slaying," *Equal Time*, March 04, 1987.; John Ritter, "Wisconsin man sentenced to 12 years for gay murder," *Equal Time*, May 27, 1987.; Mark Brunswick, "Slain man was victim of suffocation," *Minneapolis Star and Tribune*, Jan. 08, 1987.; Mark Brunswick, "Police study possible link between 2 killings," *Minneapolis Star and Tribune*, Jan. 09, 1987; Jim Schroeder, "Brooklyn Center murder linked to other killings," *Equal Time*, Jan. 21, 1987.



and leaders argued that victims cruised for sex in public. The victims, however, *always* relocated to the private sphere; police found their bodies at home. Even Riga, who was cast as deviant because of his gender non-conformity and physical impairment, was found at home. Inasmuch as they mobilized race and class to assess the significance of anti-gay hate violence, white gay leaders marginalized other categories of individuals—namely, queers of color. Case in point, Olson’s socio-economic status did not lend itself to the narrative of hate violence crafted by gay leaders. At the time of her death, Olson was homeless. Her body was discovered in a footbridge in downtown Minneapolis. And, unlike other victims, Olson’s interaction with her assailant was likely not based by a desire for intimacy or pleasure but as a needed source of income. Gay leaders, therefore, could not treat Olson’s death as “gay related” because she challenged their claim that gay men sought anonymous sex either out of a society-inducing shame or because of their barred access to privacy, certainly not out of economic necessity.<sup>63</sup>

Olson’s death, therefore, exposes the narrow anti-homophobic agenda of gay leaders, one that refused to confront the systemic nature of racism, poverty, and sexism

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<sup>63</sup> The process through which anti-gay violence activists primarily mobilized on behalf of homonormative identities and practices is further illustrated in the community reaction and police response to the death of Dyke Johnston, a 28-year-old “gay transient from California.” On April 27, 1987, Johnston was fatally stabbed as he slept in north Minneapolis, near a secluded and dark railroad trestle where homeless men and women typically slept. However, police investigators did not treat his death as one related to the victim’s sexual orientation. Police disclosed that Johnston was killed, perhaps by another “transient,” for reasons unrelated to his sexuality. (Yet, if robbery was the primary reason for the murders of other gay men, then the same could be said, that *their* sexuality did not play a role in *their* murders.) Similarly, Coyle insisted that Johnston’s differed from the string of gay related killings. Coyle told *Equal Time* that earlier killings were of long-term residents, most of who were employed. Johnston, on the other hand, had recently arrived in the Twin Cities, one month before his death. Coyle further discounted Johnston’s death as one motivated by bias by saying that Johnston “just happened to go to the Saloon and [just] happened to be gay.” Like other gay victims, Johnston visited a gay bar the night of his death. However, given his relationship to private property along with his race and class, activists were unable or unwilling to recuperate his death as being “gay related.” If anything, Coyle lashed out against social service providers for concentrating homeless populations in the area where Johnston’s body was found. Coyle admonished, “The Salvation Army and the Catholic Church are going to realize they had a responsibility beyond simply feeding these people.” Jim Schroeder, “Murder bulletin received at ET,” *Equal Time*, May 13, 1987.

by masking the fault lines of structural violence in the United States. In “Confronting the Limits of Gay Hate Crimes Activism: A Radical Critique,” legal scholars Dean Spade and Craig Willse argue that gay hate crimes activism, by focusing on violent crimes enacted against members of subordinated identity categories, constructs anti-gay violence as a series of individual expressions of personal prejudice. They contend that this sole focus on violent crime obscures an understanding of the systemic nature of inequality. Per Spade and Willse’s interpretations, anti-violence gay activists demand that members of marginalized communities should not be exposed to death or violence simply by virtue of their identity. They do not issue a larger challenge against systemic inequality or ponder how individual acts of violence are connected to larger structural forces. As a result, law enforcement only focuses on the punishment of individuals whose homophobia or transphobia culminates in acts of individual violence. According to Spade and Willse, a focus on violent individuals “constructs a world in which the racist/not racist or homophobic/not homophobic line is drawn at the point of violence and excuses an ignorance of the myriad systemic and institutional manifestations of subordination that do not rise to the level of physical violence.”<sup>64</sup> Since activists overlook the institutional dynamics of social inequality, they cannot consider structural solutions to violence. Alternately, the remedy to homophobic acts of violence becomes centered on isolating individual assailants, uncovering their objectives, and punishing them accordingly. In the process, law enforcement and courts avoid an engagement with the systemic manifestation of structural inequality, including how some bodies are rendered more vulnerable to both interpersonal and state violence.

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<sup>64</sup> Spade and Willse, “Confronting the Limits of Gay Hate Crimes Activism,” 46.

Roderick A. Ferguson expands upon Spade and Willse's critique to outline how gay hate crimes activism intersects with white racial formations. Given this individualist understanding of violence, Ferguson argues that gay hate crimes activism indexes homonormativity's ascendancy into white supremacy. Ferguson cites George Lipsitz, who in *The Possessive Investment of Whiteness*, argues that white racial formations develop out of a disavowal of racism's institutional articulations.<sup>65</sup> According to this line of thinking, gay hate crimes activism similarly operates as a technology of white racial formation given its individualist understanding of structural violence. Ferguson explains, "Inasmuch as hate crime legislation individualizes violence, and inasmuch as it constitutes the core agenda of mainstream gay organizations, such legislation points to a homonormative racial formation consolidated through a disavowal of inequality's fundamentally structural nature."<sup>66</sup> Gay hate crimes activism consolidates homophobia as a personal prejudice, not a structural force. To that extent, this narrow anti-homophobic agenda fails to consider the interlocking nature of racism, sexism, and poverty, while it simultaneously extends racial privileges and exclusions to those adhering to the legislated rubric of homonormative victim.

Although one of the goals of Community United Against Violence was to craft legal and social services to treat hate crime victims, no gay leader ever acknowledged how Olson's racial positionality or material conditions rendered her more vulnerable to violence, in all its different permutations. Olson lacked access to proper medical care and

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<sup>65</sup> George Lipsitz, *The Possessive Investment in Whiteness: How White People Profit from Identity Politics* (Philadelphia: Temple University Press, 1998).

<sup>66</sup> Roderick A. Ferguson, "Race-ing Homonormativity: Citizenship, Sociology, and Gay Identity," in *Black Queer Studies: A Critical Anthology*, ed. E. Patrick Johnson and Mae G. Henderson (New Durham, North Carolina: Duke University Press, 2005), 62.

legal services. As a person of color and a sex worker, she was overexposed to the criminal punishment system and police harassment. Sex workers, like Olson, were criminalized for their sexual practices yet encountered no protection under gay hate crimes activism. And, as a victim of violence, she had few options for assistance. But, even if she did, it is unlikely Olson would have reached out to the police as *it* posed a great threat for her. As a transgender sex worker of color, racism, transphobia, and the policing of sex made Olson more vulnerable to violence, at times even at the hands of law enforcement. Nonetheless, gay hate crimes activists could not “name” that violence. As a result, they obscured the interlocking forces of marginalization experienced by multiply-positioned sexual and gender non-conforming populations. Unable to reconcile Olson’s needs with their normative itineraries, anti-violence gay activists simply erased Olson from the narrative. Ascribing victimhood status on gay men and gender non-normative queers was informed by archetypical racialized representations of people of color as overly sexualized gender transgressors, who always already stirred suspicion—even in their own murder.

### **Race, Crime, and Homophobia.**

Because gay hate crimes activists failed to address the structural nature of violence, they relied instead on discourses of racial difference to explain crime. In an effort to avoid the stigma of being labeled racist and to maintain the illusion of tolerance, policymakers used the language of culture, not race or class, to discuss the permanent moment of crisis engendered by urban migration to Minneapolis in the 1980s, a period of intense welfare reform where “personal responsibility” rhetoric justified public hostility and punitive measures against the racialized poor. Policymakers and gay leaders alike

framed the incompatibility between Minnesota and urban migrants of color as a conflict between Western liberal humanism, committed to tolerance, and a backwards, dangerous, anti-social culture. Whereas Minnesota was imagined as a reservoir of modern secular values of liberalism, universal human rights, political democracy, and tolerant and inclusive multiculturalism—what locals call “Minnesota Nice”—urban migrants of color were perceived as a fundamental threat to those progressive foundations. Therefore, urban migrants of color were acknowledged but only to the extent that they were defined against a new, post-industrial Minneapolis, one designated by an ethos of tolerance and an investment in neoliberal capital expansion. Central to this discursive Othering of urban migrants of color were the unlikely alliances between gay leaders and those they had previously fought against: conservative state and police interests. The draconian, racist sentiment that permeated urban politics in Minneapolis in the 1980s was partly a result of a coalition between a conservative political right and a liberal gay constituency. Both groups were committed to a white liberal discourse and practice of “Minnesota Nice” that promoted neoliberalism’s upward redistribution of resources, heightened policing, and privatization, but that obfuscated deeply-entrenched structural inequalities along racial lines.

On October 20, 1986, two days after the grisly murder-arson of Robert Churchill, a 52-year-old white, middle-class gay professional in the “homosexual enclave” of Loring Park, Minneapolis Police Chief Tony Bouza announced the formation of a special three-officer investigative task force to take a fresh look at all 15 unsolved homicides in

Minneapolis that year.<sup>67</sup> Bouza assigned the task force, comprised of a veteran homicide lieutenant and two experienced sergeants, to determine whether there existed any correlation among the unsolved murders, including the possibility that one or two people may have been responsible for several of the gay related homicides.<sup>68</sup> By October of 1986, Minneapolis recorded more homicides, 41, than any year since 1979, when the city recorded 49 homicides.<sup>69</sup> Residents responded to this perceived increase in crime with

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<sup>67</sup> The murder of Robert Churchill, a 52-year-old medical records clerk, in the fall of 1986 deeply impacted gay men in the Twin Cities. On October 18, 1986, Churchill's charred body was found after a fire in his apartment in the "homosexual enclave" of Loring Park. According to arson investigators, Churchill's gasoline-soaked body had been draped partly over a room couch that was then set on fire. Churchill's body was so badly burned, that the Hennepin County Medical Examiner's Office used dental x-rays to positively identify Churchill. An autopsy revealed that Churchill had been stabbed in the chest before the fire. As the 13<sup>th</sup> gay man or trans woman murdered in the Twin Cities since December 1984 under similar circumstances as other victims, police officials insisted there was no evidence linking Churchill's death with that of the others. However, they did point out that the door to Churchill's apartment was unlocked and that there was no sign of a forced entry, suggesting that Churchill must have invited the killer home. Like in other cases, homicide investigators and journalists focused on how Churchill's sexual behaviors led to his death. The *St. Paul Pioneer Press* described Churchill as someone who "lived his private life alone and on the edge, sometimes drinking too much, hustling strangers in the so-called 'fringe bars' that neighbor the gay bars, befriending young women who were down on their luck, often providing a home and money for them until they got back on their feet." "That private life" of hustling young men for sex, the *Pioneer Press* concluded, "may have killed him." Dennis J. McGrath and Kevin Diaz, "Lingering fear spurs search for links in 15 unsolved murders," *Minneapolis Star and Tribune*, Oct. 22, 1986; Jacqui Banaszynski, "Gays private life may have killed him," *St. Paul Pioneer Press and Dispatch*, Oct. 22, 1986.; James Coates, "AIDS Backlash Gets Violent, Gays Say," *Chicago Tribune*, Oct 26, 1986; Pat Doyle, "Link to gay slayings sought in latest case," *Star Tribune*, 1986.

<sup>68</sup> The special task force was assigned with looking at patterns, crossover factors, psychological profile and any other similarities. In an attempt to search for any clues that might point to a common suspect, the task force would computerize all the cases and cross-reference all the names, addresses, aliases, hangouts, and vocations of the victims. The MPD hoped that details from some of the killings would take on added significance when compared to other cases. Because the task force was designed as an information-gathering and dissemination group, it would then pass new leads or tips to the original investigators. From the data gathered by investigators, the FBI would construct psychological profiles on potential suspects. The MPD, however, dismissed the serial killer theory. Although Captain Jack McCarthy, head of the homicide unit, confirmed that community speculation as to "whether or not there may [have been] a serial killer out there" prompted the formation of the task force, he downplayed the serial killer theory. McCarthy was unwilling to even confirm an increase in anti-gay violence in Minneapolis. Instead, he explained that the gay population had risen dramatically in Minneapolis, what he called "the gay mecca of the Upper Midwest" in the 1980s. Jacqui Banaszynski, "Murders, fear haunt gays," *St. Paul Pioneer Press*, Sep. 28, 1986.

<sup>69</sup> Although the number varied widely from year to year, the average was 30 to 35. More troubling for some was not that Minneapolis was on the verge of surpassing its record of homicides. Rather, a significant portion of those homicides remained unsolved. From January of 1985 to October of 1986, there had been 24 unsolved murders in Minneapolis, five of whom were of gay men or trans women. The rest of the murders reflected victims who were socially marginalized or vulnerable including five which were of

panic. Coyle briefed the *Star Tribune* that elderly white residents in the ward he represented were suddenly locking their doors and refusing to come out of their homes, an apt metaphor for how the city itself felt towards urban migrants of color.<sup>70</sup>

The murder rate in Minneapolis prompted widespread speculation over what factors contributed to its increase. Although race was never explicitly stated, police, city officials, and gay leaders blamed an influx of poor, people of color from the Rust Belt of the Midwest for bringing with them crime-ridden, anti-social values that inflected violence upon a white, middle-class population and that tarnished the wholesome reputation of the city as portrayed on *The Mary Tyler Moore Show*.<sup>71</sup> The press even dubbed this phenomenon, the Gary Syndrome, after the primarily black and working-class town of Gary, Indiana, which had witnessed an economic exodus in the 1980s as a result of manufacturing factories moving overseas. The Gary Syndrome indexes the social experience of white injury in which white Minnesotans demand increased policing in order to protect themselves from the changing racial demographics of the state. In projecting the status of victim onto white Americans, white injury inoculates them from having to confront their own privilege or complicity in systems of oppression. White

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senior citizens, three involving drug-trafficking, two of “street people,” two which were heterosexual rape incidents, and two child-beatings. Racially, the victims included 11 whites, 10 African-Americans, and three Native Americans. McCarthy downplayed the numbers, insisting that 15 unsolved murders in 41 represented a 63 percent closure rate, which was average or “pretty good for the number of cases we’ve got.” “Minneapolis police forming panel to study 12 unsolved murders,” *Star Tribune*, October 1986.; Dennis J. McGrath and Kevin Diaz, “Lingering fear spurs search for links in 15 unsolved murders,” *Star and Tribune*, Oct. 22, 1986.

<sup>70</sup> Coyle informed the *Star Tribune*, “It used to be that you couldn’t get the seniors to lock their doors. Now you can’t get them to come out of their homes.” Mark Brunswick, “Officials try to allay fears about slayings,” *Star Tribune*, Nov. 5, 1986.

<sup>71</sup> According to Coyle, these crimes also threatened the reputation of the city. In an interview with the *Chicago Tribune*, Coyle worried that Minneapolis had devolved into a “place of mean streets.” He added, “The streets are getting meaner every day.” James Coates, “AIDS Backlash Gets Violent, Gays Say,” *Chicago Tribune*, Oct. 26, 1986.

injury, in turn, fuels the enforcement of larger cultural, economic, and political structures that sanction “the containment, exploitation, and surveillance of communities of color.”<sup>72</sup>

In an interview with the *Star Tribune*, Sgt. Marvin Rorvick of the Minneapolis Police Department publicly pondered the changing nature of crime in the city. He hypothesized, “We have more drug-related murders now. And we have a lot of strangers in town from places like Gary, Kansas City, and Cuba. Generally, they’re unknown around here, meaning the witnesses and people involved are less likely to be able to identify them.”<sup>73</sup> According to Rorvick, investigators were unable to solve homicides given the newfound character of crime in the city.<sup>74</sup> No longer was crime committed by small-time thieves, it was now the result of an invading horde of black and brown drug-peddling outsiders. That they came from a diverse array of places with wide cultural and regional differences, such as Gary, Indiana and Cuba, implies that race was the overarching vector of threat.

Inherent to Rorvick’s claims that out-of-town people of color were responsible for crime, gay related included, was the suggestion that people of color, regardless of class, were more homophobic than white, middle-class people.<sup>75</sup> Ascribing homophobia onto

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<sup>72</sup> Lisa M. Cacho, “‘The People of California Are Suffering’: The Ideology of White Injury in Discourses of Immigration,” *Cultural Values* 4.4 (2000): 415.

<sup>73</sup> Larry Oakes, “Detectives grapple with rise in slayings,” *Star Tribune*, Nov. 5, 1986.

<sup>74</sup> In July of 1987, the Minneapolis Police Department reported that violence against “transients” was increasing and that “transients” were arriving in record numbers to the Twin Cities. According to the MPD, two-thirds of the suspects and half the victims in the city’s 26 homicides by July of 1987 were transients, or new arrivals who lived in Minneapolis less than two years. However, one of the problems with this designation is that the MPD did not specify whether “transient” referred to any recent arrival to the city, regardless of living arrangement, or if it implied the homeless. One certainty, though, is that “transient” like “urban migrant” was often a euphemism for the racialized poor, outsiders who supposedly brought cultural behaviors that were antithetical to the universal human rights, political democracy, and tolerant and inclusive multiculturalism of Minnesota. “The homelessness among us: a growing population,” *Equal Time*, Aug. 5, 1987.

<sup>75</sup> Christina B. Hanhardt shows us that the conflation of racialized populations with homophobia is partly the result of how LGBT organizations imagined their relationship to low-income people of color within



communities of color serves to further distance these populations from an imagined community defined by tolerance. In *European Others: Queering Ethnicity in Postnational Europe*, queer theorist Fatima El-Tayeb examines how the discursive construction of the Muslim Other in contemporary Europe as homophobic, misogynist, and intolerant serves to frame Muslims as a threat to a secular, liberal Europe. Central to the discursive consolidation of European Muslim difference is gender and sexuality. El-Tayeb argues that Islam and Europe are imagined as incompatible not necessarily due to religious differences. To be precise, the conflict is one framed as a clash between European humanism, devoted to gender equality and sexual freedom, and a Muslim culture shaped by hostility, intolerance, and foreignness.<sup>76</sup> Indeed, Muslim cultural difference is mobilized as a negative foil for a post-national, secular Europe that is invested in Western “universal cosmopolitanism.”<sup>77</sup>

El-Tayeb’s analysis supports the notion that it is “culture,” one that is conjugated through gender and sexuality, that has so readily replaced race in discourses and practices directed against immigrants and racialized populations. Given her analysis of the works by Dutch feminist playwright, Adelheid Roosen, El-Tayeb highlights that the language of culture, not that of race, religion, or nation, shape contemporary discussions of Muslims

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urban centers in the early years of the LGBT rights movement. Hanhardt elaborates that the alleged incompatibility between race and same-sex desire was bolstered by social science research in postwar liberal politics that explained socio-economic inequality through cultural pathology and damaged psychology. Hanhardt, *Safe Space*.

<sup>76</sup> Muslim youth, in particular, “the violent male and the veiled young woman,” comprise the central Other through which a unified Europe is presented. Fatima El-Tayeb, *European Others: Queering Ethnicity in Postnational Europe* (Minneapolis: University of Minnesota Press, 2011).

<sup>77</sup> El-Tayeb defines this cosmopolitanism as one rooted in a European humanist tradition that has produced both the concept of human rights and, ironically enough, the means to systematically violate those rights: colonialism, slavery, and genocide. Therefore, this European universal humanism is contingent on maintaining both internal minorities and the rest of the world in the position of pre-humanist Other. Ibid.

in Europe. By focusing on culture, instead of race, policymakers are able to escape accusations of overt racism while still ensuring the same material outcome. For this reason, gender and sexuality—proxies for racial and cultural difference—are cast to appear as unchanging, discrete constants. This discursive construction of the Muslim Other as the most serious cultural threat facing Europe's modern identity occurs in three steps: (1) Muslim culture is characterized as being fundamentally different from European culture; (2) Muslims, imagined as a coherent community, are perceived as being fundamentally stratified along gender and sexuality; (3) European LGBT and feminist movements build alliances with former enemies—a Christian political right—in the pursuit of universal values of human liberty, gender equality, and sexual freedom. This discursive scapegoating of Europe's Muslim population masks the underlying Christian bias of the secularism argument expressed in relation to Muslims. It also suggests that there is only one interpretation of Islam and that there are no Muslim feminists or queer Muslims who are currently challenging the perception of Islam as incompatible with modernity. Lastly, the Othering of Muslims suppresses any introspection on the part of Europeans to their own internal homophobia and sexism. We can apply El-Tayeb's observations to the context of Minneapolis in the 1980s to reveal how policymakers relied on perceived cultural differences among urban migrants of color to explain social inequality and to address anti-gay violence. Those in positions of power—gay leaders included—singled out the racialized poor as a group that particularly subscribed to homophobic sentiments. This narrative implied that white Minnesotans treated sexual minorities with respect. But, as an analysis of the New Right's moral crusade against homosexuality makes ardently clear, that was not necessarily the case.

Although a discourse and practice of Minnesota Nice denies racist intent, it empowered its adherents to enact policies with racialized consequences, a contradiction I discuss further in chapter three.

Despite policymakers and others insisting that crime had increased and intensified given this wave of urban migration, the specifics of the crimes reveal that the culture of fear enveloping residents was largely unfounded. Police Chief Bouza told the *Star Tribune* that the increase in homicides was not statistically significant and that residents had little to fear from the increase. Bouza tried to further assuage anxieties by reminding the public that police had made arrests in most of the cases, and that the homicides were largely *not* stranger-to-stranger crimes, the latter of which contradicted Rorvick's comments.<sup>78</sup> Yet, even with these re-assurances, city officials continued to fan the flames of fear.

In an interview with the *Star Tribune*, City Council President Alice Rainville refused to consider Bouza's supplications. Instead, she maintained that an analysis of the suspects in these homicides confirmed that few of them had any ties to the area. Moreover, she alleged that Minnesota's progressive welfare and public assistance programs lured a large number of people with criminal histories to the state.<sup>79</sup> Rainville

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<sup>78</sup> The MPD's statistics supported Bouza's characterization of the homicides. Of the 35 homicides reported at the end of September of 1986, suspects included two family members, two friends, and 16 acquaintances. Mark Brunswick, "Officials try to allay fears about slayings," *Star Tribune*, Nov. 5, 1986.

<sup>79</sup> Likewise, in an article appearing in *Equal Time*, Coyle used the death of a homeless gay man of color, Dyke Johnston, as an opportunity to discuss what he perceived as the growing scorch of welfare subsidies by "transients," or racial outsiders. In an indirect reference to the "Cadillac-driving welfare queen" trope of President Ronald Reagan's anti-welfare speeches, Coyle argued that many homeless men and women shuttled between the Twin Cities and the West Coast because public assistance benefits in Minnesota were ideal but the winter climate in the West Coast was better. Coyle explained, "Some people are adopting homelessness as a way of life and are not trying to get out of the cycle." Inherent to Coyle's remarks is the belief that homelessness was a personal choice, not a structural condition abetted by a number of interlocking factors. Coyle carried over this approach to homelessness over to his understanding of anti-gay

explained, “If the system is a movable feast, Minnesota happens to have the best menu. The perpetrators of these crimes are not really Minnesota people. They are people who float to the best opportunity.” Instead of challenging Rainville on these unfounded claims, the *Star Tribune* alleged that these “urban migrants,” a euphemism for poor, people of color, accounted for a large number of the Minneapolis residents on Hennepin County’s welfare rolls. Rainville agreed that many criminals came to rely on Minnesota’s welfare system as their only means of support. To lower crime rates, therefore, Rainville proposed rolling back welfare benefits. She announced, “We’ve got to find those homes with 24 souls in them where no one knows anything but being on welfare... This has to be done right now.”<sup>80</sup> Rainville hypothesized that by cutting off resources, poor, people of color—deviant ones at that with non-normative family arrangements extending into the 20s—would be less prone to migrate to Minnesota and, by extension, crime rates would drop.

Nonetheless, people of color were not necessarily responsible for any more crime in the Twin Cities in the 1980s than were any other racial/ethnic minority groups. The Governor’s Task Force on Prejudice, formed to document crimes prompted by hate and prejudice, concluded that some of the bias-related crime against gay men and lesbians, contrary to police descriptions and the city’s fear-mongering, was actually committed by “skinheads” who maintained a presence in Minnesota.<sup>81</sup> The fact that all the assailants arrested and charged in the gay homicides were young white men, ages 18 to 21, not

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violence since he was also unable to articulate the structural nature of the latter. “The homelessness among us: a growing population,” *Equal Time*, Aug. 5, 1987.

<sup>80</sup> Ibid.

<sup>81</sup> Jim Schroeder, “Hate crimes legislation passes Senate committee,” *Equal Time*, Mar. 30, 1988; Jim Schroeder, “Status of ‘Hate Crimes’ legislation locally, nationally,” *Equal Time*, Mar. 16, 1988.

people of color, gives further credence to the task force's conclusion. Yet, no such vitriol was directed against young white men, or white people for that matter. In fact, police investigators offered a sympathetic view of assailants as being "sexually confused." In a slight revision of the "homosexual panic" defense, Deputy Police Chief Patrick Farrell described assailants as being mere "latent homosexuals" who were moved to violence against "older, less sought after gay men," partly due to internalized "homophobia and fear of AIDS."<sup>82</sup> Farrell generated a psychological profile of suspects and assailants as being simply confused about their sexual identities. If anything, Farrell blamed the victims, as *they* were the ones who brought young, "sexually confused," hustlers home from cruising in gay bars or public parks, alluding to stereotypes of gay men as sexual predators.

Despite counter evidence, city officials continued to insist that people of color were responsible for this perceived increase in crime. Their insistence illuminates the centrality of race in perpetuating presumptions of criminality. City Council Member Walter Dzierdzic, whose predominantly white and middle-class ward in northeast Minneapolis was deemed one of the safer and wealthier areas in the city, maintained that many of the city's crime problems came from outside, that is, from people of other states and countries "whose different values and violent beliefs have come with them."<sup>83</sup> Rather than calling for a social safety net for recent arrivals to Minneapolis, city officials like Dzierdzic endorsed the expansion of the criminal punishment system to address social

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<sup>82</sup> Farrell described that assailants and suspects fit a pattern of "an unruly transient youth in his late teens or early twenties who will hustle or pose as a hustler with the intention of robbing or exploiting his victim in some way." It is interesting to note how law enforcement infantilized assailants so as to minimize the severity of their actions. Tim Campbell, "Wave of murders may total nine: Brian Coyle calls emergency meeting," *GLC Voice*, Feb. 3, 1986.

<sup>83</sup> Mark Brunswick, "Officials try to allay fears about slayings," *Star Tribune*, Nov. 5, 1986.

inequality. Dziedzic demanded additional police patrols and harsher sentencing to deter would-be criminals.<sup>84</sup> This response by city officials echoed and amplified growing white anxiety and resentment about poor, people of color receiving social service benefits in Minnesota. Rainville and Dziedzic's comments allude to how "tolerance" in neoliberal political economies can operate as a superficial promise rather than a wide-ranging action. With tolerance as a promise, there is no material commitment to welcoming racial minorities and immigrant populations. As a result, there is an actual lack of engagement with minority social difference. Tolerance as a promise operates in the service of neoliberalism and white racial formation by paying lip-service to inclusive multiculturalism without addressing the structural constraints—police brutality, for instance—that deny communities of color a welcome mat.

In response to the perceived surge in violence, Mayor Donald Fraser called for an additional 30 police officers to be added to the police force of 691. Coyle, who had long criticized the actions of the Minneapolis Police Department against gay men, came out in support for increasing the police department's budget, hiring more patrol officers, and enforcing harsher sentences for repeat offenders.<sup>85</sup> In an effort to safeguard Minnesota's supposed universal values of human liberty, gender equality, and sexual freedom, Coyle and members of CUAV established alliances with former enemies: the Minneapolis Police Department. Together, they rallied around commonly shared values against a new external threat: urban migrants of color.

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<sup>84</sup> Like Rainville and Dziedzic, Captain McCarthy used race to explain violent crime in Minneapolis. He told the *Pioneer Press*, "We've got a hell of a lot more street people. We've got a hell of a lot more minorities and gang members from Chicago and Gary. And they've brought more violence with them... We're becoming a big city and our population is changing." Jacqui Banaszynski, "Murders, fear haunt gays," *St. Paul Pioneer Press*, Sep. 28, 1986.

<sup>85</sup> Mark Brunswick, "Officials try to allay fears about slayings," *Star Tribune*, Nov. 5, 1986.

Since they never explicitly stated “race,” lest it impinge on the city’s illusory investment in tolerance via a discourse and practice of “Minnesota Nice,” Coyle and other city officials framed the city’s newfound “tough on crime” stance in racially coded ways. Coyle and CUAV publicly adhered to a colorblind liberal discourse of tolerance, one privately invested in whiteness. They prescribed to an ethics of tolerance without necessarily addressing the systematic exclusion and marginalization of communities of color in Minneapolis. That people of color were accused for this perceived increase in crime despite Police Chief Bouza discounting its size and intensity is telling of how white injury shaped the policing of urban public spaces in the 1980s, even in the face of facts.

The commentary expressed by city officials, police investigators, and gay leaders confirms that social constructions of crime, safety, and justice are predicated on race, national origin, class, gender, ability, and immigration status. In *Are Prisons Obsolete?*, Angela Y. Davis observes, “Race has always played a central role in constructing presumptions of criminality.”<sup>86</sup> This theory is exemplified through the work of criminologist Marvin Wolfgang whose “subculture of violence” erroneously insists that violent values serve a common, culturally adaptive feature of African-American communities.<sup>87</sup> Cultural representations and sociological studies of criminalized populations, such as Wolfgang’s, that are sensational, dehumanizing, and alarming drive “get tough on crime” and “law and order” initiatives that create the very targets for them.<sup>88</sup> Criminologist Jeff Ferrell describes this process of “cultural criminalization” as one consisting of institutions, including mass media, dehumanizing and delegitimizing

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<sup>86</sup> Angela Y. Davis, *Are Prisons Obsolete?* (New York: Seven Stories Press, 2003), 28-29.

<sup>87</sup> Marvin E. Wolfgang and Franco Ferracuti, *The Subculture of Violence: Towards an Integrated Theory in Criminology*, (London: Tavistock Publications, 1967).

<sup>88</sup> Mogul et. al., *Queer (In)Justice*.

those individuals and groups it targets. Ferrell explains that cultural criminalization “helps construct a perceptual context in which direct criminal charges can more easily follow.”<sup>89</sup> Responses from law enforcement, the judicial system, and mass media are, thus, always already mediated by previously existing “cultural ideas” about which populations are intrinsically innocent and respectable, and which are inherently blameworthy and trouble stirring.

Social constructions of non-white criminality, hinging on gender and sexual deviance, fueled the expansion of policing and punishment of communities of color in Minneapolis in the mid-1980s. Rather than critiquing law enforcement for targeting communities of color, anti-violence gay activists endorsed the expansion of the police force, even demanding the greater representation of gay men and lesbians. By insisting on the link between race, crime, and poverty, gay leaders became complicit with law enforcement authorities in the criminalization of communities of color all the while endorsing the expansion of neoliberal urban policies and practices. Coyle and other gay rights activists were unable to acknowledge the disparate impact of their approach on those gay men and trans women outside the mainstream as they lacked an awareness of the ways in which systems based on race, class, gender, and sexuality intersected with one another to create specific social positionalities that, in turn, fomented power differentials within this so-called gay community.

### **The Pink Police.**

In response to Churchill’s murder, Coyle held a press conference at City Hall on October 22, 1986 to discuss the police investigation, the response from gay men, and the

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<sup>89</sup> Jeff Ferrell, “Cultural Criminology,” *Annual Review of Sociology* 3, no. 2 (1999): 405.



emerging pattern of murders.<sup>90</sup> The press conference transpired on the heels of Bouza's announcement of the formation of the special investigative task force. Although Coyle applauded the task force's creation after "pressure from [his] office helped bring about the beefing up of the police effort," Coyle criticized the police department for not devoting sufficient resources to what he insisted was a pattern in the gay slayings.<sup>91</sup> He believed that these murders deserved additional attention because information that had come to his office suggested a serial killer or killers might have committed them, a pattern that did not apply in the other unsolved murders.<sup>92</sup> Despite publicly celebrating the actions of the MPD, in private Coyle remained frustrated that the MPD failed to follow up on leads supplied by his office. Because of police indifference and harassment, gay men were more likely to contact Coyle's office with information surrounding the murders. Coyle's office would then relay that information to the MPD but according to Coyle, the MPD did not act on this information.

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<sup>90</sup> Coyle called the press conference to "rattle the cages" of the MPD, hoping that by publicly expressing concerns about the focus of the police department's murder investigation, that it would force detectives to look at this so-called emerging pattern of the gay murder victims. The immediacy was also necessary, as Coyle had come to believe that a serial killer might have been responsible for the killings. Because he also suspected that another murder was imminent, the press conference was meant to generate coverage from mainstream media to alert gay men. At the press conference, he told reporters: "We're facing the potential of another murder. We can't wait for a sweeping investigation that might take months. And I don't want to wait four to six weeks before the next follow up."

<sup>91</sup> At the press conference, Coyle explicitly stated that he was "concerned" that the MPD would look at all the unsolved murders together and not devote the sufficient amount of time and energy on just the gay-related murders. He worried that to "simply lump all the murders with (the gay victims) is the wrong way to go. Police should do more with the gays because that's where the patterns are." Coyle also accused police of not making adequate use of resources in the gay community that might have better assisted with investigations, including interviewing gay bar owners and employees. Press Conference Speech, Oct. 22, 1986, Box 13, Folder Gay Violence, Brian J. Coyle Papers, The Minnesota History Center.

<sup>92</sup> At the press conference, Coyle disclosed that his office had received reports from victims of violence of two different types of assailant: "a young man, a hustler type, around age 20;" and "a very attractive but closeted man in his 30s." David Scheie, "Gays push for self-defense, police protection," *The Surveyor*, Dec., 1986.; Press Conference Speech, Oct. 22, 1986, Box 13, Folder Gay Violence, Brian J. Coyle Papers, The Minnesota History Center.

Provided that there was no system in place to address anti-gay violence in the region, Coyle and others formed the citizens anti-violence task force, Community United Against Violence, modeled after the group with the same name in San Francisco.<sup>93</sup> In addition to documenting violence against gay men and lesbians in the Twin Cities, Coyle established CUAV to maintain pressure on the police to investigate the gay murders more thoroughly. Accordingly, the focus of the organization included gathering data on citywide and statewide rates of anti-gay violence and comparing those numbers with national statistics.<sup>94</sup> Nonetheless, CUAV's initial effort, according to a press release, was simply to urge gay men "not to go home with strangers, no matter how 'hot' they are."<sup>95</sup> Coyle firmly believed that CUAV's formation was "necessary to shake homosexuals out of their complacency about the recent killings."<sup>96</sup> As part of its consciousness-raising imperative, CUAV created education-oriented prevention programs that stressed the dangers of casual sex with anonymous partners and that promoted the health and physical virtues of sexual monogamy. Coyle believed that since anti-gay violence had stifled the attitude of local gay men, one of CUAV's goals would be to challenge the

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<sup>93</sup> Coyle's office contacted SF's CUAV and the NGLTF's Anti-Violence Project requesting literature from both organizations to develop the Twin Cities' very own anti-violence gay and lesbian organization.

<sup>94</sup> Coyle also designed CUAV to examine the contributing factors to anti-gay violence. According to an early outline of the group's objectives, some of the contributing factors to anti-gay violence included: "economics of assailants/victims," "chemical dependency/abuse of assailants/victims," "AIDS Phobia," "Possible closetry of victims," "Assailant self-hate poss. confusion on own sexual preference," "New right moralism," and "Gay men's complacency." Proposal For Task Force on "Violence Against Gays," 1986, Box 13, Folder Gay Violence, Brian J. Coyle Papers, The Minnesota History Center.

<sup>95</sup> In the press release, CUAV described itself as a "local task force...committed to a long range effort to make Gays/Lesbians aware that many gay murders are occurring in the Minneapolis metro area and that they need to protect themselves." "CUAV News Release, Nov. 13, 1986," Box 13, Folder Gay Violence, Brian J. Coyle Papers, The Minnesota History Center.

<sup>96</sup> Jacqui Banaszynski, "Gays seeking safety after slaying series," *St. Paul Pioneer Press and Dispatch*, Oct. 23, 1986.

“complacency” he witnessed among gay men through “safer sex” education.<sup>97</sup> While police detectives ignored Coyle’s leads, CUAV provided a space for Coyle to pursue such leads.

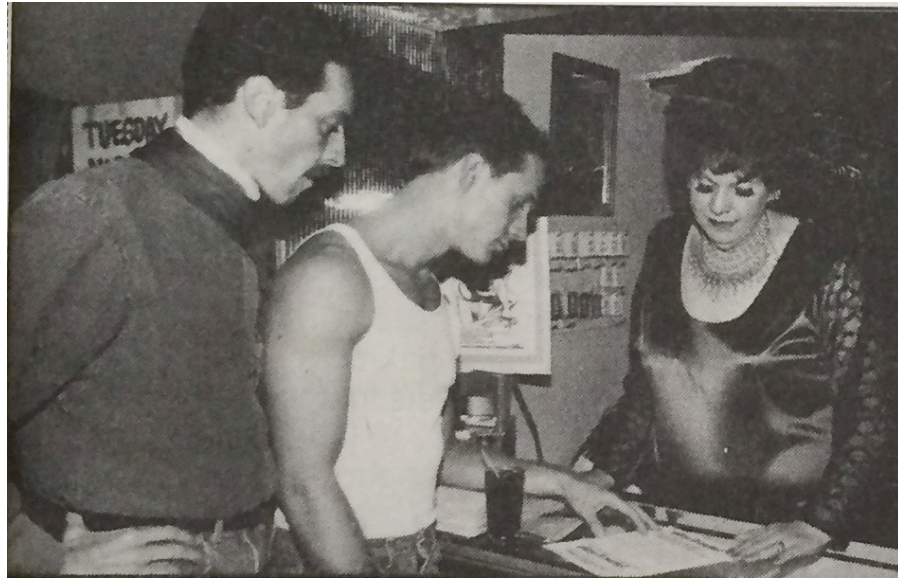
Changing sentiment among gay men at the time suggested that CUAV’s moral campaign was somewhat successful. The night after Coyle’s press conference, the *Star Tribune* interviewed patrons of the gay bar the Saloon about any actions they undertook to protect themselves (Figure 2.4). Interviewees reported relief at hearing that Bouza had appointed a three-detective team to investigate the homicides, though they wondered why it had not occurred sooner. Although none of the interviewees used overt racial references, they all employed the trope of “outsiders” to articulate their newfound safety regimen. One patron disclosed that he was keeping “an eye out for people who [look] suspicious, who don’t look like they fit in with the crowd.” Another claimed to have been “smart enough to stay out of dark alleys.” Meanwhile another patron “used to meet friends at Loring Park after the bars closed, but now he goes home.”<sup>98</sup> The fear surrounding the murders led to reduced business at the gay bars in Minneapolis. In an interview with the *St. Paul Pioneer Press*, Jim Anderson, co-owner of the Saloon, argued that the social atmosphere at the bar had changed because of AIDS and the perceived increase in anti-gay violence. Anderson reported that “customers dance and *date* and visit

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<sup>97</sup> CUAV carried out its drive to educate gay men on the dangers of casual sex with strangers by posting warnings in gays bars and by encouraging staff of those bars to be alert for “possible trouble.” Coyle’s office also brainstormed establishing a whistle alert system and publishing articles in the local gay press on “complacency in gay/lesbian community.” Coyle told *Equal Time*, “I don’t like the complacency I have seen in the community.” Jim Schroeder, “Special task force forms to solve string of gay murders,” *Equal Time*, Oct. 29, 1986.

<sup>98</sup> Kate Parry and Kevin Diaz, “Police investigation into killings of gays welcomed,” *Star Tribune*, Oct. 23, 1986.

with friends instead of hustling strangers for the night,” (emphasis added) before adding, “The heavy cruising has stopped...Nobody wants a reputation today for being easy.”<sup>99</sup>



**Figure 2.4: The original caption for the photo read: “Patrons of Minneapolis’ Gay Nineties bar read notice warning against picking up strangers.” Peter Freiberg, “Minneapolis Gays Unite To Fight New Rash of Murders,” *The Advocate*, Dec. 9, 1985.**

On Oct. 24, 1986, CUAV hosted its inaugural meeting. Forty people attended the session, including concerned community leaders and nearly a dozen Gay 90s’ bartenders and security staff.<sup>100</sup> Unlike previous efforts, Coyle was more adamant about producing quantifiable strategies that brought community awareness to anti-gay violence.<sup>101</sup> Those

<sup>99</sup> Banaszynski had written that according to some members of the local gay community, “the threat of AIDS [had] prompted a fairly dramatic shift in gay lifestyles and behavior.” Jacqui Banaszynski, “Murders, fear haunt gays,” *St. Paul Pioneer Press*, Sep. 28, 1986.

<sup>100</sup> Tim Campbell, “Seven gay murders in one year,” *GLC Voice*, Nov. 3, 1986.

<sup>101</sup> From CUAV’s inception, Coyle had imagined it fulfilling a number of different actions. First and foremost, CUAV was to organize gay men by creating an awareness of their shared vulnerability to violence and repression. By doing so, CUAV was at the forefront of framing gay (white) men and, to a lesser extent, lesbians as victims of crime, not perpetrators of violence. Second, through self-defense classes, distribution of “awareness flyers,” and publicity of violence against gay men and lesbians to the mainstream press, CUAV sought to inculcate the importance of self-protection to gay men. Third, CUAV was concerned with assessing whether existing legislation in Minnesota was adequate enough to address anti-gay violence or threats. If not, it would explore “stronger remedies, criminal or civil, [that could] be enacted to combat this type of violence.” In other words, CUAV located the solution to anti-gay hate violence in the expansion of the criminal punishment system and in access to gay men and lesbians to that system in roles of leadership. “Letters: CUAV supports gay investigator proposal, plans flyer,” *GLC Voice*,

in attendance endorsed a series of proposals. Meeting attendees endorsed implementing a campaign to warn gay men against going home with strangers. This “buddy system,” a type of “personal insurance,” consisted of gay men policing the community. If gay men decided to go home with strangers, CUAV encouraged them to tell friends with whom they were leaving. Meeting attendees also discussed establishing a hotline where gay men could call with tips about possible suspects, instead of contacting the police whom gay men argued treated them with disdain. CUAV would then relay that information to investigators.<sup>102</sup> In essence, Coyle designed CUAV as an extension of the Minneapolis Police Department, one that catered specifically to the interests and needs of white gay men. Although Coyle recognized that law enforcement authorities were purveyors of violence against gay men, lesbians, and trans people, he and other white gay leaders perceived police brutality as a problem largely impacting communities of color. Admittedly, CUAV demanded police accountability, but not for the policing of racialized and queer sexualities. Quite the opposite, CUAV requested that the police department escalate its surveillance and investigative work.

White gay leaders envisioned anti-violence gay activism operating as a vehicle for gay enfranchisement.<sup>103</sup> This strategy was reflected on November 6, 1986, when CUAV

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Nov. 17, 1986; “Proposed Task Force on Prejudice and Violence,” 1986, Box 13, Folder Gay Violence, Brian J. Coyle Papers, The Minnesota History Center.

<sup>102</sup> Dennis J. McGrath and Kevin Diaz, “Lingering fear spurs search for links in 15 unsolved murders,” *Star Tribune*, Oct. 22, 1986.

<sup>103</sup> Local gay leaders were able to strategically vouch for civil rights for gay men and lesbians when discussing the root causes of anti-gay violence. The murders provided gay leaders with a platform to discuss the social conditions that facilitated intolerance against sexual minorities. On November 14, 1986, the Minneapolis Commission for Civil Rights (MCRC) sent Police Chief Bouza a letter “expressing concern about the growing number of murders of gay men in Minneapolis.” The letter informed Bouza that gay men and lesbians were a “Protected Class” under the Minneapolis Civil Rights Ordinance. As such, they were entitled to full protection under the law. The MCRC demanded that the Minneapolis Police Department “commit sufficient resources to assist this community in preventing further killings while every

held a press conference at Loring Park, near the apartment of a gay homicide victim. There, CUAV declared November “Violence Awareness Month.” Speakers highlighted the connections they witnessed between violence and prejudice. Although openly-gay Minnesota State Sen. Allan Spear warned gay men against placing themselves in situations “where they [could] be subjected to violence,” he also cautioned against living closeted lives. He professed: “We must reach out and not be forced into the closet because of the pressures of society. The only way to move forward is to make sure gays and lesbians have full rights in society.”<sup>104</sup> At the time, Spear played a prominent role in Minnesota’s sodomy repeal efforts, as I discuss in chapter one. If Spear believed that anti-gay violence would diminish once gay men were granted “full rights in society,” then Spear must have assumed that gay men had anonymous sex in public because their sexual interactions were illegal. For Spear, the right to privacy reduced the risk of anti-gay violence, but only for those men with racial and class access to the private sphere.

As part of Violence Awareness Month, CUAV implemented a number of different projects designed to raise public awareness and community consciousness on anti-gay violence. In addition to the “play it safe” flyer campaign discussed at the beginning of

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effort is made to solve outstanding cases.” “Leather from MCRC to Bouza, Nov. 14, 1986,” Box 13, Folder Gay Violence, Brian J. Coyle Papers, The Minnesota History Center.

<sup>104</sup> At the press conference, Coyle not only urged gay men to observe caution, and to look out for one another, pleaded with gay men that they provide information to police investigators. Other speakers included State Rep. Karen Clark, Tim Cole of the Minneapolis Civil Rights Commission, Emma Hixson of the Minneapolis Human Rights Department, the Rev. Jack Holman, an Anglican priest from St. Paul, Seventh Ward Council Member Barbara Carlson, and Tim Campbell who had pressed unsuccessfully to have the city hire a community aide to help police investigate the gay slayings. Jacqui Banaszynski, “Gays seeking safety after slaying series,” *St. Paul Pioneer Press and Dispatch*, Oct. 23, 1986.; Tina Burnside, “Gay murders focus of Violence Awareness Month,” *Minnesota Daily*, Nov. 7, 1986.; Press Announcement: Press Conference in Loring Park, Oct. 31, 1986, Box 13, Folder Gay Violence, Brian J. Coyle Papers, The Minnesota History Center.; “Priest urges action to end gay prejudice,” *St. Paul Pioneer Press*, Nov. 7, 1986.; “Leaders hold news conference to call attention to violence against gays,” *Star Tribune*, Nov. 7, 1986.

this chapter, CUAV brought its message to print. For its October 31, 1986 issue, the *Twin Cities Gaze* donated several full-length pages to CUAV to publicize its message of sexual monogamy. Via a series of public service announcements, CUAV continued to warn gay men of the dangers of anonymous sex in racially coded ways. One of the full-page announcements consisted of a black and white photograph of an unclothed man's torso blurred out of focus and multiplied across the greater half of the page (Figure 2.5). The photo's bolded heading warned: "Be Careful!" Below the photo, the caption read, "Is this your idea of Mr. Right—for tonight?" The announcement included a short blurb allegedly penned by a local personality in the gay bar scene, Big Mama from the Gay 90s:

Wake up and hear the birdies, kids!...There are persons out there killing gay guys, and there are persons running around with AIDS who just do not care who they give it to!...Know who you are going home with! If you don't know the person well, you are much better off going home alone. If you really want to take a stranger home, stop by and introduce him to me (or your favorite bartender), just in case something later happens to you!...There are some people who really care about your welfare. I happen to be one of those people...I care about, and love all of you!...Love, Big Mama.

Big Mama's supplications reflect Coyle's intended convergence between HIV-prevention and violence awareness. Her insistence that "some people...really care about your welfare," although kind-hearted, also suggests that the architects of the campaign presumed gay men engaged in anonymous sex because they lacked self-esteem, not because they enjoyed sex or did so out of economic necessity. According to this logic,

those gay men involved in committed, monogamous partnerships embodied the psychological traits (i.e., pride) that gay men ought to aspire.



**Figure 2.5: “Be Careful!” CUAV ad. *Twin Cities Gaze*, Oct. 31, 1986.**

Another full-page PSA in the same *Twin Cities Gaze* issue consisted of a black and white photograph of a knife slicing through a condom lying on the concrete ground (Figure 2.6). The bolded headlined reiterated: “Safe Sex Is More Than Just Wearing A Condom.” Below that photograph, the PSA elaborated, “Condoms help shield against disease—but not violence.” The caption added that although “safe sex had become a household word for stopping the spread of disease during sex,” condoms did not protect against “the disease of anger, hatred, and fear of Gays.” The PSA elaborated, “VD, herpes, and AIDS aren’t the only threats to gays these days. Protect yourself against harm by following some sound advice: know who you’re taking home! It may be exciting to meet and pick up a total stranger, but it can a dangerous proposition.” The PSA concluded with indirectly suggesting to gay men that instead of anonymous sex, that they



date: “Know who you’re taking home. Talk first. Get to know him. Ask a few questions. Don’t be afraid...it’s better to be safe, than sorry!” These PSAs illustrate CUAV’s proposed solution to both AIDS and violence: domesticity, monogamy, and privacy—racialized norms of sexual hygiene central to petitioning the state for social membership.<sup>105</sup> However, these were private cures to problems that contained vast social implications. Although the government’s willful negligence enabled the rapid spread of AIDS, none of CUAV’s literature included a critique of government agencies or officials.

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<sup>105</sup> A third PSA in the same *Twin Cities Gaze* issue emphasized the dangers of cruising. The PSA consisted of a black and white photograph of an empty phone booth in a park (presumably Loring Park) at nighttime, the light of a street lamp piercing the booth. Outside the focus of the phone booth lay a darkened figure of a male looking in the booth’s direction. A red circle with a line across it covers the booth to suggest its inherent danger. “Be Safe!” is written in bolded letters above the photograph. The caption below reads: “Excitement and danger may lurk in the shadows!” The PSA then proceeds to encourage gay men to avoid both dangerous places and to forego of dangerous behaviors. “Violence against innocent persons occurs easily in the dark shadows...whether in the park, on the street or in your own neighborhood...Travel in the company of friends...Avoid locations where attackers can lurk. Avoid involvement with strangers who may have the potential for causing harm.” The PSA acknowledges the “certain excitement” that can come with “looking for a trick in the nighttime shadows,” but insists this becomes “a foolhardy game” given the large number of assailants that lurk in the shadows.” The PSA ends by informing gay men to practice safety and to be particularly careful at night to deny “an attacker the opportunity to commit yet another act of violence against Gay men and Lesbians.” The PSA reflects how CUAV interpreted an individual attack against a gay man or a lesbian as a symbolic attack on the entire gay and lesbian community. *Twin Cities Gaze*, Oct. 31, 1986, 8.



**Figure 2.6: “Safe Sex Is More Than Just Wearing A Condom” CUAV ad. *Twin Cities Gaze*, Oct. 31, 1986.**

In addition to its print campaign, CUAV scheduled a self-defense workshop held at the Gay 90s and a community forum that addressed the causes and solutions to violence.<sup>106</sup> About 50 people, mostly white gay men, attended the community forum held on November 17, 1986, at a local Methodist church.<sup>107</sup> The community forum consisted of four presentations including a short seminar on how to detect the warning signs of violence in people.<sup>108</sup> The short seminar was noteworthy for its reliance on expert witness

<sup>106</sup> The self-defense workshop, held Monday, Nov. 24 1986, at the Gay 90s Dance Annex from 7:00 P.M.-9:00 P.M., was not as widely attended as had been expected. Only 10 people were present. CUAV had also scheduled a memorial service for the murder victims. “Interoffice Communication from McCarthy pertaining to Gay-Related Homicides,” Nov. 7, 1986, Box 13, Folder Gay Violence, Brian J. Coyle Papers, The Minnesota History Center.

<sup>107</sup> After opening the forum by reviewing the 11 murders of publicly identified gay or bisexual men in Twin Cities beginning in April of 1984, Coyle proceeded to reiterate to the crowd the importance of cooperating with homicide detectives: “Gays and police have to keep working together.” The *Twin Cities Gaze* described Coyle’s strategy with the MPD as “push and cooperate.” Mark Kasel, “Community United Against Violence Hosts Bouza At Forum; Two More CUAV Meetings Scheduled in Dec.,” *Twin Cities Gaze*, Nov. 26, 1986.

<sup>108</sup> Among the other three presentations, one included testimony from survivors of anti-gay hate violence. Despite disagreements between anti-violence LGBT activists and anti-pornography lesbian feminists,

testimony. Stoney Bowden, a therapist working with perpetrators of violence, described a four-point safety checklist. He lectured that when meeting someone at a gay bar or in an anonymous situation that they stop, look, and listen. First, Bowden instructed men to “make an initial judgment.” He advised, “If one you’re feeling nervous, that may not be irrational.” Second, Bowden urged men to ask questions to reveal more of the “trick’s” personality. Third, he recommended that in high-risk situations men ought to observe personal security by telling friends where they were going and with whom. And finally, Bowden urged that men “take inventory of [their] own vulnerabilities.” Consequently, Bowden alerted men to the dangers of substance abuse: “And remember that drinking too much and feeling isolated and lonely can make you more vulnerable to someone than you might otherwise be.”<sup>109</sup> Although he did not mention race, Bowden played on Minnesotan’s fear of racial outsiders, suggesting to gay men that they be weary of “tricks” that did not look like they belonged, which could be interpreted as being code for people of color. In spite of the community forum offering practical steps for gay men to minimize their risk, the night’s conversation centered mostly on the proposed position of

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CUAV employed a number of the strategies mobilized by the latter. Like Andrea Dworkin and Catherine MacKinnon, CUAV highlighted the personal experiences of survivors of violence as evidence, in and of itself. The specificities of survivors’ personal experiences with violence significantly differed from one to the other. The time and location of the assaults ranged from a few weeks to several years prior, and from the public street, a party with other gay men, and a college dorm. The assailants in question included both straight and gay men. (One of the survivors of anti-gay violence who spoke at the community forum included a gay man who described his experience at party in which he was assaulted by another gay man after disagreeing with him on a political debate. That survivor of “anti-gay violence” insisted that violence did not always come from “outside the group” and that gay men had to watch out for the combination of drugs and alcohol as a source of violence, not just “psychotic” individuals.) The vastness of these narratives denotes the wide net under which CUAV defined violence. Perhaps, by stretching the parameters of anti-gay hate violence, CUAV believed it could point to the immediacy for state intervention. For a discussion on the hearings of the anti-pornography ordinance in Minneapolis, see: Paul Brest and Ann Vandenberg, “Politics, Feminism and the Constitution: The Anti-Pornography Movement in Minneapolis,” *Stanford Law Review* 39, no. 3 (1987): 607-61.

<sup>109</sup> Mark Kasel, “Community United Against Violence Hosts Bouza at Forum,” *Twin Cities Gaze*, Nov. 26, 1986.

a special gay liaison to the police department, illustrating CUAV's utmost commitment to the expansion of policing and surveillance.

Earlier in the week, Campbell, on behalf of CUAV, wrote a letter to Mayor of Minneapolis Donald Fraser, Police Chief Tony Bouza, and Police Captain Jack McCarthy. In the letter, Campbell requested their support for a proposed position of "temporary special gay assistant to police investigators." Campbell described the liaison's duties to include working "with police to follow up leads on murders of gay men, [and] others killed who frequented Hennepin Avenue establishments."<sup>110</sup> CUAV asked that applicants have a "clean police record."<sup>111</sup> So confident was Campbell the position would be approved that he announced it to the public even before Fraser, Bouza, or McCarthy authorized it. Publicizing the position in the *GLC Voice*, Campbell implied that City Hall had responded favorably to the position. However, the police chief did not believe such a position was even necessary.

In his response to Campbell's letter, Bouza thanked him for the suggestion, agreeing that the police department needed "a system to solicit, collect and evaluate information from a gay community that [was] clearly anxious and willing to help." Bouza even conceded that an overview of the department's investigation was necessary "to detect connections; possible patterns or even the possible existence of a killer(s) being responsible for more than one case." However, Bouza considered the task force of three

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<sup>110</sup> The liaison would also "interview gays in person and on phone." As proposed by CUAV, the assistant "would go over other data gathered by police, look for facts that have special meaning to him (sic), ponder the material and suggest possible analysis for other investigators." In addition to having an extensive background of knowledge of the Twin Cities gay community, qualifications required that the investigator have an "active network of friends in the gay community or bar community who [would] have confidence in him or her and be willing to confide in him or her." "Letter from Tim Campbell to Brian Coyle about Police Job Investigator, Oct. 28, 1986," Box 13, Folder Gay Violence, Brian J. Coyle Papers, The Minnesota History Center.

<sup>111</sup> Ibid.

“top flight” investigators capable of pursuing the aforementioned actions. As such, Bouza concluded: “I am not sanguine about chances to fund the position you suggest, nor am I convinced it is either needed or practicable.”<sup>112</sup> Campbell immediately penned a response, expressing his indignation that Bouza had “given so little consideration to the idea of hiring a member of the gay community to help investigate the unsolved murders.” Campbell expressed that *he* was not “sanguine” about the effectiveness of the task force. If the police department could hire civilians as decoys to entrap gay men in commercial sex establishments, Campbell reasoned, then it could surely “solve the problems to hiring an assistant to investigate murders on a temporary basis.” Campbell ended his response by confessing that CUAV had already received “several serious applications” for the position and he exhorted Bouza to review the applications before finalizing his decision.<sup>113</sup> But, Bouza remained resolute in his opposition to a gay liaison. In an interview with the *Minnesota Daily*, Bouza explained: “We need help in assistance, but we have enough of our own investigative experts to perform the job and it’s not common practice to hire *outsiders* [emphasis added].”<sup>114</sup> Interestingly enough, Bouza used the same rhetoric— “outsiders”—to refer to the gay community that white gay leaders used to refer to the racialized poor. Campbell’s persistence that the MPD hire a special gay liaison underscores how CUAV attempted to use violence awareness as a backdoor attempt to achieve other legislative goals.

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<sup>112</sup> Ibid.

<sup>113</sup> At the community forum, as part of CUAV’s “Violence Awareness” month, Coyle said that the position would cost “so little money” that if Fraser and Bouza wanted the position created; they could do so within their budgets. He estimated it costing about \$3,000. David Scheie, “Gays push for self-defense, police protection,” *The Surveyor*, Dec. 1986.

<sup>114</sup> Tina Burnside, “Gay murders focus of Violence Awareness Month,” *Minnesota Daily*, Nov. 7, 1986.

CUAV reiterated that the special gay liaison was necessary because the police's slow response to solving gay homicides. In fact, Coyle had previously called for the formation of CUAV because he did not believe police investigators possessed an adequate amount of "insider" information to effectively address anti-gay violence. He assured to the *Star Tribune*, "There are just some things you don't know unless you're gay."<sup>115</sup> At the community forum, Coyle and Campbell challenged Bouza to recruit openly gay police officers from other cities, similar to efforts made to recruit African-American and Latino officers. Still, the MPD remained unreceptive to the position of special gay liaison. At the community forum, Bouza shot back: "We don't hire a Scandinavian when a Scandinavian is murdered, or a black when a black is murdered." Bouza remained steadfast in his insistence that such a position was not necessary or logistically possible. First, Bouza explained that gay men and lesbians were already on the police force, even if they were not publicly out. Second, Bouza stressed that since the MPD was making arrests in the homicides and receiving cooperation from gay men, a gay liaison was not necessary. Third, Bouza commented that even if such a position were favored, applicants would still have to undergo the same certification as all other public officers. The crowd jeered and booed its overt dissatisfaction with Bouza's statements.<sup>116</sup> For his part, Coyle vowed to continue pushing for city council support in the hiring of a gay liaison or any gay presence on the police force. Coyle's office even wrote a letter to the Gay Officers Action League in New York to be published in its newsletter. The letter

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<sup>115</sup> Kate Parry and Kevin Diaz, "Police investigation into killings of gays welcomed," *Star Tribune*, Oct. 23, 1986.

<sup>116</sup> Bill McAuliffe, "Bouza cites diligence in probes of crimes against gays," *Star Tribune*, Nov. 18, 1986.; David Scheie, "Gays push for self-defense, police protection," *The Surveyor*, Dec., 1986.; Kate Parry and Kevin Diaz, "Police investigation into killings of gays welcomed," *Star Tribune*, Oct. 23, 1986.; "Letter from Tim Campbell to Brian Coyle about Police Job Investigator, Oct. 28, 1986," Box 13, Folder Gay Violence, Brian J. Coyle Papers, The Minnesota History Center.

was designed to encourage openly gay or lesbian police officers in the New York Police Department to consider applying for openings in Minneapolis. Coyle and Campbell's persistence that the MPD hire a gay liaison illustrates their adamant belief that having a greater gay representation on the police force would somehow ameliorate anti-gay violence. CUAV's attempt to secure a gay liaison also illustrates how Coyle and others designed CUAV as an extension of the Minneapolis Police Department, one that catered specifically to the interests of white gay men. Moreover, the figure of the urban—New York City—haunts the heartland—Minnesota—in which the latter repudiates the former as the home of the racialized poor and a bastion of vice but still looks to it as a model of white gay cosmopolitanism.

Perhaps Bouza was encouraged to stand his ground at the community forum opposing the special gay liaison given the announcement made earlier that day that police had arrested a suspect in Churchill's death. On November 17, 1986, police in Baton Rouge, Louisiana, arrested Willie Bias, a 23-year-old white man, whom police described as a "street person." Police charged Bias with killing Churchill in a failed robbery attempt. According to a homicide detective, "Robbery was apparently the motive for the killing...It had nothing to do with the victim being gay."<sup>117</sup> The suspect's arrest weakened

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<sup>117</sup> Bias was present at a party hosted by Churchill in his Loring Park apartment the night of the murder. According to witnesses, Bias and Churchill argued about a gun at the party. Bias was allegedly overheard at the party saying that he intended to rob Churchill. By the end of the night, after the party, Bias had stabbed Churchill and set his apartment on fire. Police had not yet discovered Churchill's body when a beat policeman on patrol near Churchill's home stopped Bias, presumably suspecting him as a "hustler," as he walked in an alley several blocks from Churchill's apartment. After questioning Bias as to why he was in the area, the policeman found a pistol lying in the weeds a short distance from where the conversation had taken place. The gun, which was later traced to Churchill, had been stolen by Bias the night of the murder-arson. Bias fled Minneapolis after the killing, traveling to Texas and then to Baton Rouge. A second-degree-murder warrant was issued two and a half weeks prior Bias' arrest. The MPD did not notify the FBI because it thought an FBI search would alert Bias that he was under suspicion. Jim Parsons, "Man arrested in Churchill killing; robbery seen as motive," *Star Tribune*, Nov. 1986.; Jim Schroeder, "Suspect booked in Churchill murder," *Equal Time*, Nov. 26, 1986.

the serial killer theory circulated by CUAV and, thus, undermined their reasoning for a gay liaison. The arrest also challenged CUAV's assessment of Churchill's murder as one motivated by bias.

Nevertheless, the growing pressure mounted on the MPD by gay leaders prompted investigators to intensify their efforts to make arrests in the gay homicides. In the early morning hours of November 18, 1986, on an anonymous tip from a citizen who saw a Crime Stoppers television segment, police arrested Thomas Jarrett, a 34-year-old bisexual black man, at his south Minneapolis workplace, in connection with the strangulation death of Phyllis Olson, a trans Native American woman.<sup>118</sup> Capt. Jack McCarthy explained to the press that the tip came from someone "who knew the (suspect's) life style—that he was bisexual and prone to losing his temper."<sup>119</sup> Homicide detectives followed up on the tip and found probable cause to arrest Jarrett, including physical evidence linking him to Olson.

Prosecutors relied heavily on a bite mark found on Olson's chest as a key piece of evidence against Jarrett. A forensic dentist for the prosecution concluded that Jarrett *could* have bitten Olson.<sup>120</sup> Since physical evidence linking Jarrett to Olson was faulty at best, police relied instead on racial stereotypes that cast people of color as violent and homophobic, and sociological theories of black criminality to prosecute Jarrett. According to these theories, only someone as depraved as a black man, a bisexual one at that during the AIDS crisis, could have bitten his victim. In spite of his arrest, Jarrett was

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<sup>118</sup> The *Star Tribune* described Olson as "a 30-year-old gay prostitute who frequently dressed as a woman and had tested positive for AIDS."

<sup>119</sup> "Minneapolis man held in death of gay prostitute," *Star Tribune*, Nov. 19, 1986.

<sup>120</sup> Prosecutors charged Jarrett with Olson's death because his teeth appeared to match bite marks on Olson's body. Jarrett's defense, however, argued unsuccessfully that such testing was not scientifically accurate, that it was still in its infancy and would not be a reliable test. Even if bite mark testing was reliable, Jarrett's defense stressed that there was no physical evidence linking Jarrett to the strangulation.



not the assailant in Olson's death. Even after another man confessed in the summer of 1987 to killing Olson, Jarrett remained the suspect. After one year behind bars in lieu of a \$100,000 bond, and less than one week before his trial was to begin, on October 27, 1987, a Hennepin County District Court judge dismissed first-degree murder charges against Jarrett due to DNA testing confirming that blood and hair samples found on the scene did not match either Jarrett or Olson.<sup>121</sup> Since bail was set so high, the courts perhaps feared Jarrett acquired HIV from Olson and would likewise spread the virus. After Jarrett's release, the police department reopened Olson's case for a second look.<sup>122</sup> To this day, Olson's case remains unsolved.

Jarrett's arrest underscores the limitations of a gay hate crimes activism that uncritically celebrated the criminal punishment system as the mediator of anti-homophobia. Coyle and other gay leaders had long pressured the Minneapolis Police

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<sup>121</sup> Prosecutors revealed that tests conducted by the State Bureau of Criminal Investigation showed samples of blood found on Olson's clothes and near her body did not match either Jarrett or Olson's blood. The Bureau of Criminal Investigation also discovered that hair particle samples from the crime scene did not match Jarrett's hair because he was African-American, and the "samples appeared to be from a Native American." Prosecutors defended the lapse of time, claiming they sent the hair and blood samples to the Bureau of Criminal Investigations for testing a year prior but did not receive the results until late October because of backlog requests. However, even after another man confessed in the summer of 1987 to killing Olson, Jarrett remained the suspect. Police did not believe the confession to have been credible as the man's account of the crime was supposedly inaccurate. The forensic dentist also eliminated the man who confessed as a suspect because "his teeth did not match the bite marks." Jim Schroeder, "Hair samples clear accused man," *Equal Time*, Nov. 11, 1987.

<sup>122</sup> As a result of the MPD reopening Olson's murder, members of American Indian Gays and Lesbians (AIGL) mailed a letter to Police Chief Tony Bouza to express concern over the investigation. The letter, which was reprinted by *Equal Time* in its Jan. 20, 1988 issue, expressed AIGL's concern that the investigation could be "hampered because the media has not been favorable to the victim." AIGL attached a cut-out of a *Star Tribune* article which negatively portrayed Olson by disclosing her seropositive status and by characterizing her as a prostitute. AIGL also worried that Olson's race and sexuality would work to further devalue Olson as a victim. The letter, which identified Olson as a gay man, emphasized: "We are further concerned that, as a homosexual and an American Indian, Floyd Olson was a member of two groups which are frequently victimized and often discounted due to homophobia and racism. It is our hope that these factors will not be a hindrance to a thorough investigation." AIGL ended its letter by stating that Olson was "a victim of the most severe crime," and therefore the MPD had to pursue the investigation with "maximum effort." Unlike Coyle, AIGL recognized that race collaborated with sexuality to further render the life of Olson as disposable. "Letters: Olson murder," *Equal Time*, Jan. 20, 1988.

Department to make arrests in the gay homicides. Even upon Jarrett's release, CUAV did not come to his defense. Although Coyle, and other members of the organization, recognized that law enforcement authorities were purveyors of violence against gender and sexual minorities, they perceived police brutality as a problem largely impacting communities of color. In light of the string of murders against gay men and transgender women, Coyle and other gay leaders offered explanations and provided potential solutions that often veered in the direction of more punitive law enforcement methods or practices that heralded privacy as safety. This myopic approach came at the expense of increasing social programs, banning weapons, or implementing other preventive measures anchored in community-based restorative justice. Seeing that their advocacy on behalf of anti-gay hate violence victims relied almost exclusively on law enforcement agencies, gay community activists expended copious amounts of energy in establishing police as protectors rather than perpetrators of violence. Consequently, violence by law enforcement agencies and by the state against queers of color was understood as operating outside the framework of anti-gay hate violence and, as such, was allowed to proceed unquestioned.

Inasmuch as CUAV demanded that the police department escalate its surveillance and investigative work, CUAV missed an opportunity to bring attention to the systemic violence experienced by communities of color. Members of CUAV sought to make the police the recipient of limited resources that might have been gained from their redistribution. They requested that more resources be injected into the police (i.e., increasing the police department's budget, hiring more patrol officers, enforcing harsher sentences for repeat offenders, and hiring a special gay liaison) rather than channeling

those resources into community organizations. In so doing, CUAV helped fulfill one of the central tenets of neoliberalism: the upward redistribution of resources.

Beginning in the early 1970s, U.S. corporate interests established a countermovement in response to global competition and diminishing profit rates. This new vision of a national and world order, also known as neoliberalism, was defined by competition, inequality, law and order, market discipline, and public austerity. In *The Twilight of Equality? Neoliberalism, Cultural Politics, and the Attack on Democracy*, historian Lisa Duggan offers a historical genealogy of neoliberalism, focusing on its close relationship to identity and cultural politics. Duggan outlines that from its inception neoliberalism opposed a more equitable redistribution of the world's resources.

Beginning in the 1980s, the general standard of redistribution of resources in the United States and around the world was channeled upwards, resulting in the greater concentration of wealth. In an effort to enhance corporate profit rates, neoliberalism was fashioned to dismantle the limited U.S. welfare state implemented in the 1930s through the New Deal consensus among business, government, and unions and in place through the Great Society era of the 1960s. Writing in regards to neoliberalism's ascendancy, Duggan elaborates, "The raising of profit rates required that money be diverted from other social uses, thus increasing overall economic inequality."<sup>123</sup> These economic diversions necessitated a supporting political culture, compliant constituencies, and pliant social relations. In the 1960s and 1970s, corporate interests laid the groundwork for a political and cultural infrastructure that lubricated the upward redistribution of resources and the social acceptance of widening inequalities.

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<sup>123</sup> Duggan, *The Twilight of Equality*, xi.

During this time, one of the earlier stages of neoliberalism, downwardly redistributive social movements, including the Civil Rights and Black Power movements, feminism, gay and lesbian liberation, and countercultural mobilizations, were attacked and discredited by corporate activists. Since these early progressive-left social movements adhered to a culture of downward redistribution, their members mobilized to eradicate hierarchies and to distribute cultural capital, freedom, money, and political power in a downward direction. These groups were shaped by an intersectional analysis of inequality; they did not fall into factions with culture on one side and economics on the other. Nonetheless, by the 1980s, Duggan asserts that an economics and culture split emerged and bifurcated U.S. progressive-left politics.

In order to facilitate the upward redistribution of resources, neoliberalism is presented as separate from politics and culture. Duggan describes that this “rhetorical separation of the economic from the political and cultural arenas disguises the upwardly redistributing goals of neoliberalism—its concerted efforts to concentrate power and resources in the hands of tiny elites.”<sup>124</sup> Abstracting economic policy from political and cultural life enables neoliberalism to forego accountability or cultural critique as it simultaneously enforces the upward redistribution of resources. Since contemporary neoliberal policies operate in and through culture and politics, Duggan stresses that the economy cannot be abstracted from the state or everyday social relations. In short, cultural resources, money, political power, and social organization circulate via the categories of race, class, gender, and sexuality.

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<sup>124</sup> Ibid., xv.

Neoliberal “equality” politics bolster this ideology of discrete categories of social life. Duggan defines this politics as a narrow, stripped-down, non-redistributive form of “equality,” implemented for global consumption and made consistent with the upward redistribution of resources.<sup>125</sup> The homonormative agenda of gay hate crimes activism operates within this paradigm of neoliberal equality politics. Owing to CUAV pursuing “equality” through liberal reform, this rhetoric of equality was disarticulated from class politics and material life. For that reason, gay hate crimes activism worked in the service of the naturalizing wide-ranging socio-economic disparities, all the while demanding the upward redistribution of state resources to the police.<sup>126</sup> Coyle elicited support for the upward redistribution of state resources to the police by presenting the expansion of punitive measures as beneficial to the safety of white gay men, using affective economies, and obscuring its racist, classist, and anti-sex cultural values. Consequently, Coyle’s narrow equality rhetoric accommodated rather than opposed the global inequalities spurred by neoliberalism.

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<sup>125</sup> Duggan compares progressive-left critiques and social movements of the 1960s and 1970s (anti-racist and anti-imperialist, feminist, lesbian and gay, radical labor, and environmentalist) with the formal, non-redistributive form of neoliberal “equality” politics drawn from the lesbian and gay rights movement of the last thirty years. Duggan argues that these national lesbian and gay civil rights, lobbying, and litigation organizations have shifted away from constituency mobilization and community-based consultation toward neoliberal rhetoric and corporate decision-making models. (This shift is, in part, the result of the demands of fundraising for survival and the national political culture’s move to the right.) Two organizations that Duggan declares espouse gay “equality” rhetoric and vouch for specific policies that work within the framework of neoliberal politics are the Human Rights Campaign (HRC) and the Independent Gay Forum (IGF). According to Duggan, the HRC and the IGF advance homonormativity, the new sexual politics of neoliberalism, through a rhetorical remapping of public and private boundaries devised to diminish gay public spheres and disregard vast economic inequalities. In so doing, they rearticulate gay liberation away from the progressive and radical left politics of the 1960s and 1970s toward mere access to institutions of domestic privacy, the free market, and patriotism. Duggan concludes that mobilizations like the HRC and the IGF serve as vital elements in the cultural machinery of neoliberalism. See: “Equality, Inc.,” in *The Twilight of Equality?*

<sup>126</sup> In order to facilitate the upward redistribution of resources, politicians have enacted complex, shifting, and unlikely alliances between former foes (i.e., the police and gay leaders).

## **Conclusion: The Limits of Gay Hate Crimes Activism.**

By the late-1980s, anti-violence gay activists succeeded in demanding the inclusion of sexual orientation as a protected category, alongside race, religion, and national origin, in hate crime legislation. Activists forged connections between violence and AIDS to bring immediate awareness to their cause. To garner bi-partisan support among politicians, they argued that anti-gay violence had reached “epidemic” proportions.<sup>127</sup> This confluence between AIDS and violence was ardently expressed on October 9, 1986, when gay leaders testified before the House Judiciary Subcommittee on Criminal Justice in the first-ever Congressional hearing on anti-gay violence.

The hearings were scheduled to discuss the extent of anti-gay violence and to propose strategies to combat the “growing problem.” An array of witnesses testified including law enforcement authorities and social science researchers. In arguing that anti-gay violence was rising, those who testified emphasized AIDS as a contributing factor. They used epidemiological language to frame anti-gay violence as a social disease. By way of illustration, Kevin Berrill, Director of NGLTF’s Violence Project, testified: “The Gay community is not only battling AIDS, but is also confronting a second epidemic, one

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<sup>127</sup> Despite anti-violence LGBT activists’ insistence of an epidemic of violence, by the end of 1986, the Minneapolis Police Department solved 71 percent of the record-tying 48 homicide cases that year. Ultimately, it was normal investigative work that resulted in those cases being solved, not the much-publicized task force created by Bouza. Police investigators made arrests in three of the year’s four gay slayings. Only the murder of Fred Riga remained unsolved but they quickly dismissed his death as a logical extension of his deviant lifestyle. (In Olson’s case, police made an arrest. However, as I showed above, charges were later dropped when DNA tests confirmed that blood samples found on Olson were neither hers nor the suspect’s. When Olson was found strangled on a pedestrian overpass, a sweatshirt was knotted around her neck and hooked to a fence, prompting some forensic experts to question whether Olson’s death was a homicide or act of sexual asphyxia. The defense for Thomas Jarrett argued that Olson died while deliberately restricting her supply of air to heighten sexual pleasure. However, a former Hennepin County chief medical examiner, along with the FBI, ruled that Olson’s death was likely a homicide given the evidence and partly because a public place was an unusual location for such an act of sexual asphyxiation.) To this day, no arrests have been made in the deaths of Kielely, Kastner, Olson, and Riga. David Peterson, “Hennepin medical examiner’s office torn by professional rivals’ uncivil war,” *Star Tribune*, May 8, 1988; Kevin Diaz, “Detectives solve 71 percent of year’s homicides,” *Star Tribune*, Dec. 30, 1986.

that has received far less attention from our public officials. That epidemic is anti-gay violence.” Echoing Berrill’s sentiments was David Wertheimer, head of the New York City Gay and Lesbian Anti-Violence Project, who declared that gay men and lesbians in New York City were in the middle of an “epidemic of violence.” Meanwhile, Diana Christensen, executive director of San Francisco’s Community United Against Violence, testified that the situation was aggravated by public backlash against AIDS. She stipulated that “AIDS and homosexuality have become synonymous in the American public’s mind...For the homophobic mind, AIDS is simply another justification for violence.”<sup>128</sup> The committee also heard written testimony from the criminologist, Marvin Wolfgang, who testified that anti-gay violence ought to have been a concern to all Americans. He proposed, “Just as whites march with blacks in their struggle for civil rights, and as non-Jews band with Jews in keeping the lessons of the Holocaust before the public eye, so should heterosexuals join with homosexuals in fighting the injustice of anti-gay and anti-lesbian violence.” Wolfgang was most famous for his “subculture of violence” theory, which postulated that violence served a common, culturally adaptive feature of African-American communities. The witnesses at the Congressional Hearing were successful enough in linking anti-gay violence with the AIDS crisis that the office

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<sup>128</sup> The Subcommittee heard testimony from three panels of witnesses who argued that violence against gay men and lesbians was a serious national problem requiring government intervention. In addition to the three panels, a variety of organizations and scholars, both gay and non-gay, presented written testimony. “NGLTF Urges Gov’t Action At Congressional Hearings on Violence,” *Twin Cities GAZE*, Oct. 31, 1986.; Dave Walter, “Gays Testify on Homophobic Violence,” *The Advocate*, Nov. 11, 1986.; William R. Greer, “Violence Against Homosexuals Rising, Groups Seeking Wider Protection Say,” *New York Times*, Nov. 23, 1986.; Rick Harding, “With violence escalating, NGLTF calls on Congress,” 1986, Box 13, Folder Gay Violence, Brian J. Coyle Papers, The Minnesota History Center.

of Rep. John Conyers (D-MI), who chaired the hearing, petitioned the Justice Department to compile statistics on such crimes (Figure 2.7).<sup>129</sup>



**Figure 2.7: Participants at the Congressional hearing on anti-gay violence before the House Judiciary Subcommittee on Criminal Justice. In the photo, from left to right is Dr. Gregory Herek, Robert Gravel, Kevin Berrill, Joyce Hunter, Diana Christensen, Kathleen Sarris, Jacqueline Silvester and David Wertheimer. Dave Walter, "Gays Testify on Homophobic Violence," *The Advocate*, Nov. 11, 1986.**

Eventually, by 1990, President George H.W. Bush, signed the Hate Crime Statistics Act, which required that the Attorney General collect data on crimes committed because of the victim's race, religion, disability, sexual orientation, or ethnicity. Whereas sodomy repeal had proven largely unsuccessful, hate crime legislation enabled white gay leaders to seek civil rights protection, a backdoor attempt for legal recognition. The Hate Crime Statistics Act of 1990 was the first federal statute to openly recognize and name

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<sup>129</sup> The spokesman to Rep. Conyers told the *New York Times* that it appeared "clear from the testimony that there have been dramatic increases in violence directed against gay men and lesbians, and the violence seems to be connected with the AIDS problem and a general hostility directed against the gay and lesbian population." As a result of the hearing, Conyers' office also planned to include protection for gay men in the civil rights provisions of the Federal criminal code. William Geer, "Violence Against Homosexuals Rising," *New York Times*, Nov. 23, 1986.



gay men and lesbians. At the state level, the Minnesota Legislature passed the bias crimes documentation bill in 1988, as a result of the findings by the Governor's Task Force on Prejudice and Violence. The law requires police officers to report incidents that are motivated by bias.<sup>130</sup> Although Coyle and Campbell were unsuccessful in hiring a special gay liaison to the Minneapolis Police Department, they were successful enough in laying the groundwork for a greater gay and lesbian presence on the force. By recruiting the police in their anti-violence efforts, gay leaders rejected the notion that police were the enemy of the gay and lesbian community. This revisionary approach made it possible for Janeé Harteau to become Minneapolis's first-ever female and openly gay police chief in 2012, some twenty-five years after Campbell and Coyle pleaded for the hiring of a special gay liaison.<sup>131</sup>

Gay leaders established anti-violence groups to provide vital services and support to victims at a time when community needs were being unmet by other service agencies and government offices. Their goals included increasing public awareness about anti-gay violence, as well as providing specific legal protections to marginalized populations. To promote violence awareness among gay men, activists explicitly forged a connection between HIV-prevention and anti-gay violence. Though one could argue that this strategy was effective because it showed that specific practices made particular individuals more vulnerable to violence, this confluence endorsed a burgeoning politics of homonormativity that failed to critique state violence against queers along racial, class,

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<sup>130</sup> Since 1989, law enforcement agencies have compiled bias-related crime statistics in Minnesota. Also, in 1989, Minnesota passed the hate crimes penalty bill, which made assaults based on sexual orientation, race national origin, religion, sex, age, and disability into gross misdemeanors, punishable by a year's imprisonment, \$3,000 fine, or both. Jim Schroeder, "Hate crimes legislation passes Senate committee," *Equal Time*, Mar. 30, 1988.

<sup>131</sup> Randy Furst, "Minneapolis' Janeé Harteau breaking the mold as chief of police," *Star Tribune*, Nov. 28, 2012.

and gender lines. It also bolstered claims for social membership through the compulsory performance of gender, sexual, and domestic norms. Undoubtedly, racialized norms of sexual hygiene—domesticity, intimacy, privacy, and respectability—very much permeated police interactions with gay leaders so that who was understood as a legitimate victim of anti-gay hate violence and, by association, who was likely to be a perpetrator of that violence was a racialized and classed process. And, lastly, forging a connection between HIV-prevention and anti-gay violence placed the onus of responsibility on preventing AIDS and violence on individual gay men. By individualizing approaches to both AIDS and violence, gay hate crimes activism ensured that the AIDS crisis would be further perceived as a moral failing of individuals who brought the disease upon themselves, not a social condition abetted by institutional neglect.

Gay hate crimes activism, therefore, falls short of broad political efforts for social justice. First, the assimilationist push of anti-violence gay activists fails to reflect on previous commitments to anti-racism, economic redistribution, and feminism by LGBTQ organizations. Gay leaders mobilized on behalf of homonormative identities and practices that coincided with privacy, propriety, and property. On the other hand, when it came to queers of color, leaders, along with police, employed queer criminal archetypes that denied multiply marginalized victims of violence any semblance of legibility, construing their death as necessary to safeguard homonormative inclusion. Second, the rhetoric of gay hate crimes activism isolates particular instances of anti-gay violence as mere acts of individual prejudice. For that reason, it obscures an engagement with the structural nature of social inequality and, by extension, reifies white racial formations. Third, as a neoliberal project that seeks remedies to homophobia within the criminal punishment

system, gay hate crimes activism endorses the upward redistribution of resources to the police state. All three of these points reveal that anti-violence gay activists seek inclusion within systems and institutions that reinforce the inequality and subordination of multiply marginalized: all those “deviants” situated outside the legislated rubric of white heteronormativity and, more recently, homonormativity.

In the next chapter, I revisit the anxieties that sex workers of color posed for city officials, law enforcement authorities, the press, and gay leaders. In particular, I discuss how urban policymakers responded to what they perceived were sex workers of color with AIDS who continued to engage in unprotected sex. Threats of racial contagion permeated the public’s psyche prompting public health officials to endorse draconian ordinances that further criminalized queers of color and women of color in the name of safeguarding white heteropatriarchy and readying urban public spaces for the incursion of neoliberal capital through gentrification.

### **Chapter Three.**

#### Racialized Bodies on Lockdown: AIDS Moral Panic, and the Criminalization of HIV in

#### Times of White Injury

##### **Introduction.**

The moral panic accompanying HIV/AIDS reflected a crisis in hegemony within the American state. At the height of the HIV/AIDS epidemic in the mid-1980s, during a period of intense social anxiety induced in part by economic distress, mainstream media presented sensationalistic cases of sex workers—mostly of color—with HIV/AIDS who “knowingly” engaged in sexual activity with bisexual married men, primarily white. These stories not only exploited white public fears of HIV/AIDS to warn of the dangers of deviating from sexual monogamy and heterosexual marriage. But, through crude depictions of sex workers of color as contagious, irresponsible, and toxic, these stories also cautioned against interracial sex. In so doing, these stories urged public health officials and law enforcement authorities to abandon the civil liberties of sex workers of color in favor of protecting the public good. In response, states throughout the country adopted a slew of social controls designed to delimit the freedom of movement and association of sex workers of color and people with HIV/AIDS (PWHAs). These social controls both criminalized the transmission of HIV as they simultaneously sought to “sanitize” the built environment, priming urban locations for the influx of private capital. Although scholars have previously discussed HIV/AIDS in terms of a moral panic, less has been written about the role of white injury in shaping public health and law enforcement responses to the epidemic, a significant omission given the advent of neoliberal modes of governmentality. Through a queer of color critique lens, I study

cases of “non-compliant carriers” from the mid-1980s to describe the ways in which the moral panic about the urban presence of uncontrolled racialized sexuality was symptomatic of and referenced aspects of the more general crises of economic marginalization and dwindling social services triggered by neoliberalism. Without a doubt, the moral panic of HIV/AIDS was both a sexual and racial project and the basis of white normative recovery.

Scholars have repeatedly theorized the concept of a “moral panic” in cultural and media studies and in the sociology of deviance. They have used this analytical concept to evaluate situations in which individuals and groups are imagined to pose a threat to the future or reproduction of society. In his 1972 book, *Folk Devils and Moral Panics: The Creation of the Mods and Rockers*, British sociologist Stanley Cohen first communicated his concept of a moral panic in his study of youth subcultures, delinquency, and police control. Drawing from the influential school of “new” criminology from the 1960s, Cohen defines a moral panic as “an episode in which a particular [vulnerable or powerless] group or phenomenon becomes defined as a threat to the integrity of the nation-state” and to societal values and interests. In a moral panic, Cohen argues, the media, clergy, elected officials, and criminal justice officials, through a collaboration of interests, construe certain individuals, groups, and events as threats to society. This characterization, in turn, enables moral entrepreneurs to single out marginalized individuals and groups for action through self-serving solutions.<sup>1</sup> Cohen strongly

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<sup>1</sup> The mechanisms of a moral panic, according to Cohen, are as follows: “A condition, episode, person or groups of persons emerges to become defined as a threat to societal values and interests; its nature is presented in a stylized and stereotypical fashion by the mass media; the moral barricades are manned by editors, bishops, politicians and other right-thinking people... Sometimes the panic passes over and its forgotten, except in folk-lore and collective memory; at other times it has more serious and long-lasting

suggests that the mainstream media is partly responsible for moral panics by politically inventing and mobilizing an exaggerated risk that essentially distorts the immediate reality.<sup>2</sup>

In order for a moral panic to materialize, there needs to be a preexisting set of social attitudes and feelings towards the group labeled “folk devils.” For instance, in his inquiry into the perceived problem of muggings in England in the 1970s, cultural theorist Stuart Hall discovers that accounts in the British press about this “new” phenomenon of “muggings” were merely inflated claims “factualized” in the media with the assistance of elected officials and the criminal justice system. These groups, Hall argues, purposefully set off the moral panic surrounding the muggings in response to changing racial demographics. Unlike their parents, those young immigrants, primarily black Caribbeans, accused of presiding over the muggings were unwilling or unable to politically assimilate in the face of mounting economic disenfranchisement and racist state policies.<sup>3</sup> Hall’s investigation into the muggings reveals that moral panics tend to take place during moments of social anxiety when a heightened risk by “evildoers” sparks societal reaction. Moreover, Hall’s analysis also confirms that moral panics, to achieve social equilibrium,

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repercussions and might produce such changes as those in legal and social policy or even in the way that society perceives itself.” Stanley Cohen, *Folk Devils and Moral Panics: The Creation of the Mods and Rockers* (New York: Routledge, 1972), 9.

<sup>2</sup> For Cohen, the mass media provides “a main source of information about the normative contours of a society... about the boundaries beyond which one should not venture and about the shapes the devil can assume.” *Ibid.*, 17.

<sup>3</sup> According to Hall, moral panics are indicative of how people are persuaded “to experience and respond to contradictory developments in ways which make the operation of state power legitimate, credible and consensual. To put it crudely, the ‘moral panic’ appears to us to be one of the principal forms of ideological consciousness by means of which a ‘silent majority’ is won over to the support of increasingly coercive measures on the part of the state, and lends its legitimacy to a ‘more than usual’ exercise of control.” Stuart Hall, *Policing the Crisis: Mugging, the State, and Law and Order* (London: Palgrave Macmillan, 1978), 221.

bolster mechanisms of policing and control while circulating new cultural meanings via media.

In spite of the fact that Cohen and Hall shed light on the processes through which conditions, episodes, and groups become defined as threats, they do not address sexuality as a constitutive factor of moral panics. Gayle Rubin, Jeffrey Weeks, and Simon Watney, among others, later linked sexuality to Cohen's scholarship by observing that anti-homosexual discourse plays a central role in moral panics about HIV/AIDS.<sup>4</sup> They argue that social commentary on the epidemic drew largely from prevailing discourses on sexuality at the time. And, given the rise of neo-Conservatism in the West in the 1980s, these discourses were inherently anti-homosexual in nature.

In her 1984 essay, "Thinking Sex," cultural anthropologist Gayle Rubin provides a cultural model for discussing moral panics in relation to sexuality in the United States.

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<sup>4</sup> The cultural politics of homosexuality in the United States have been saturated with moral panics. The "sex crime panic" that swept through the country in the late-1940s and the first half of the 1950s enacted a major repressive threat for homosexuals. During this time of heightened national anxiety, various iterations of sexual expression and identity were criminalized. Because many of the sexual psychopath laws of the time applied to private, consensual same-sex behavior between adults, the sex crime panic encouraged "a public understanding of homosexuality in which the criminal sexual psychopath and the homosexual were just different points on the same continuum—the difference between their psychological makeup a matter of degree, not of kind." In "Murder, Perversion, and Moral Panic: The 1954 Media Campaign Against Miami's Homosexuals and the Discourse of Civic Betterment," Fred Fejes examines how the murder and rape of a seven-year-old girl in Miami, Florida, in the summer of 1954 prompted a new awareness of Miami's homosexuals from a colorful if somewhat embarrassing part of Miami nightlife, "discreet tolerance," to a serious threat to the safety and moral wellbeing of the community, "stigmatized tolerance." The murder occurred just as the city was undergoing rapid growth and transformation from a pre-war resort community to a postwar major metropolis. According to Fejes, this was a time when a number of social and media discourses and practices about sexuality, criminality, and civic betterment coalesced to mark the beginning of a moral panic whose target was Miami's homosexuals. Fejes shows that the city's media and civic leaders implemented and enforced the campaign against the city's homosexuals as part of an overall campaign to redefine the image of Miami as a major, respected urban center, free of vice and flamboyance. Local government took heed of this panic and in October of that year passed a Miami law designed to shut down bars catering to homosexuals. Fejes analysis substantiates how moral panics can be harnessed to fundamentally change the social meanings attached to particular sexual expressions and identities in the name of protecting the family and upholding dominant capital interests tied to private development. Fred Fejes, "Murder, Perversion, and Moral Panic: The 1954 Media Campaign against Miami's Homosexuals and the Discourse of Civic Betterment," *Journal of History of Sexuality* 9, no. 3 (2000): 305-347.

Writing in the context of a spiraling HIV/AIDS epidemic, Rubin expanded Cohen's concept of a moral panic by defining it as a crusade enacted against a sexual community or deviant sexual practice. For Rubin, moral panics, therefore, are a method of inflecting structural discipline and punishment on particular categories of sexual identities and practices. Her cultural model famously describes a "charmed circle" of social hierarchy as the top tier where the sexual "normal," or those who adhere to "traditional" heteronormative standards, reside. On the other end, relegated to the lower ranks of the social hierarchy are the sexual "scapegoats," who because of their sexualities are deemed "evil." The New Right, by magnifying social anxieties pertaining to HIV/AIDS, according to Rubin, was successful in tapping into this source of "erotophobia" in its accession to state power.<sup>5</sup> Rubin's theorization of sexual hierarchies in the United States attests to the importance of gender and sexual normativity in the administration of citizenship in societies.

More broadly, Rubin's interpretation of the HIV/AIDS epidemic elucidates how moral panics have increasingly become infused with sexuality to achieve cultural and political objectives. As a sub-form of moral panics, sex panics encapsulate that dynamic. Sex panics are oftentimes manifested through the figure of "sexual scapegoats" whose threat is rooted in sexuality. Historian Jeffrey Weeks ascribes "the prostitute as 'fallen woman' [and] the pedophile as 'child molester'" as two examples of a "particular species of monsters" that the mainstream media stereotypes as sexual threats to the social order.<sup>6</sup>

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<sup>5</sup> Gayle Rubin, "Thinking Sex: Notes for a Radical Theory of the Politics of Sexuality," in *The Lesbian and Gay Studies Reader*, ed. Henry Abelove, Michele Aina Barale, and David M. Halperin (New York: Routledge, 1993), 3-44.

<sup>6</sup> Jeffrey Weeks, *Sexuality and Its Discontents: Meanings, Myths, and Modern Sexualities* (London: Routledge, 1985), 45.



In his historical analysis of the relationship between HIV/AIDS and the New Right, Weeks explains that sexuality operates as a “a fertile source of moral panic, arousing intimate questions about personal identity, and touching on crucial social boundaries.”<sup>7</sup> Weeks’ point is that sexuality functions as a proxy for other social anxieties. He explains, “The erotic acts as a crossover point for a number of tensions whose origin lie elsewhere: of class, gender, and *racial location*, of intergenerational conflict, moral acceptability and medical definition [emphasis added].”<sup>8</sup> If sexuality operates as a proxy for other social anxieties during a moral panic, as Rubin and Weeks suggest, then the concept of moral panic itself is limited in its ability to theorize the relationship between such wide-ranging social phenomena.

Given these limitations, historian Simon Watney emphasizes the inadequacy of using the concept of moral panic to explain the overall ideological policing of sexuality, in general, and the panic associated with HIV/AIDS, in particular. In challenging moral panic theory’s ability to fully explain the British response to the epidemic in the 1980s, Watney insists that it is “important to avoid any temptation to think of the ongoing AIDS crisis as a form of ‘moral panic,’ which carries the temptation that it is an entirely discrete phenomenon, distinct from other elements and dramas in the perpetual moral management of the home.”<sup>9</sup> Moral panic theory, Watney argues, is limiting because it presents social phenomena as discrete and unconnected. Proceeding from this line of thinking, HIV/AIDS is not a distinct, coherent, and progressing moral panic. Rather, it is “the latest variation in the spectacle of the defensive ideological rearguard

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<sup>7</sup> Ibid., 44.

<sup>8</sup> Ibid.

<sup>9</sup> Simon Watney, “The Spectacle of AIDS,” in *AIDS: Cultural Analysis, Cultural Activism*, ed. Douglas Crimp (Cambridge, MA: MIT Press, 1987), 75.

action...mounted on behalf of ‘the family’ for more than a century” to buttress the “profoundly unstable identities” those institutions of family life induce.<sup>10</sup> Watney rightfully avoids heralding HIV/AIDS moral panic as a single moment in history unique onto itself. Instead, he couples the panic associated with the epidemic to the endless Western “scandal” of homosexuality, ever reminding us of the danger of identifying individual “moral panics” in a simple one-to-one fashion with their targets since this approach forecloses an understanding of how social phenomena intersect.<sup>11</sup> Although the works of Rubin, Weeks, and Watney provide us with a much needed examination of sexuality as a category of analysis in moral panics, these accounts fail to address the interconnections between anti-homosexual discourse and racism in the HIV/AIDS epidemic, a connection particularly important given not only the disproportionate number of people of color impacted by the disease, but also the discursive racialization of the epidemic itself—both abroad and domestically.

HIV/AIDS reflected a symbolic attack on white supremacy. White Americans’ need to re-assert supremacy in the face of mounting economic conservatism and the growing political clout of (some) people of color fueled the moral panic associated with HIV/AIDS. As mainstream media and politicians represented whiteness under siege in U.S. society, the moral panic of HIV/AIDS became a crucial site for securing the central and dominant cultural position of white supremacy. AIDS moral panic communicates the social experience of white injury. In the 1980s, as many white Americans witnessed cutbacks in state and federal funding in welfare, education, and social services, many of

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<sup>10</sup> Simon Watney, *Policing Desire: Pornography, AIDS, and the Media*, 3<sup>rd</sup> ed. (Minneapolis, MN: University of Minnesota Press, 1996), 43.

<sup>11</sup> Ibid.

them conflated their mounting economic instabilities with their escalating racial anxieties, animating an ideology of white injury. In a changing global economy that commands gendered and racialized labor, white injury symbolizes the incompetence and impotence encountered by many white (male) Americans. As an ideology that portrays white Americans as victims of efforts to mitigate racial inequality and injustice, white injury, according to social theorist Lisa M. Cacho, is “a node in a network of intensifying the suffering of people of color in order to (once again) artificially augment the wealth, opportunities, and power of white middle-class people in U.S. society.”<sup>12</sup> The ideology of white injury inverts social hierarchies so that the racialized poor are perceived as perpetrators and the state and its white voting constituents are identified as victims. In the process of this inversion, the state, capital, and white Americans escape accountability.

AIDS moral panic, as white injury, provided white Americans with a guise to reinvent themselves and to bolster cultural, economic, and political structures in the midst of white supremacy’s dwindling dominance. Contrary to popular belief, moral panics do not represent chaos or lawlessness. On the contrary, moral panics generate well-known forms of political and social organization. Sociologist Roger Lancaster notes that moral panics resemble what anthropologists call “social revitalization movements” which describe efforts to restore social relations in the wake of some real or perceived threat or against some state of social collapse or moral decay. Lancaster elaborates, “Whenever a

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<sup>12</sup> Cacho theorizes white injury in relation to Proposition 187 in California. In 1994, California voters infamously approved a measure that curtailed education and healthcare to undocumented immigrants. Proponents argued that the measure was necessary to mitigate the economic and social crises afflicting the state. For Cacho, Proposition 187 did not originate solely out of economic concerns but from a history of “white injury” in anti-immigrant discourses. Cacho argues that supporters levied the measure as an effort to assuage the “suffering” of white Americans in California allegedly spurred by the illegality of undocumented workers and their families. See: Lisa M. Cacho, “‘The People of California Are Suffering’: The Ideology of White Injury in Discourses of Immigration,” *Cultural Values* 4.4 (2000): 393.

race/class group perceives itself as being in crisis or decline, its members can seek to revitalize or renovate themselves by applying the reconstructive logic of moral panic.”<sup>13</sup>

Lancaster comments that political responses to perceived moral peril serve as a form of mass mobilization that seeks to transform society in particular ways. In the context of the shifting political economy of the 1980s, HIV/AIDS moral panic was not necessarily an isolated phenomenon but a connective strategy mobilized by the dominant class to restore hegemony in civil society through the confinement and policing of the racialized poor.

Moral panics are popular during moments of crisis because they have the potential to alter future society in ways that please the interests of the ruling groups that initiated the panic in the first place. Although moral panics may emerge from exaggerated fears that distort social reality, their effects are quite material. New institutional or organizational apparatuses, along the lines of surveillance, regulation, discipline, and punishment, are created to deal with the threats. And those alleged perpetrators are dehumanized and stripped of their rights by these mechanisms. In perpetuating structural violence and promoting forms of inferior citizenship, cultural anthropologist Gilbert Herdt asserts that moral panics “expose the ideologies, hierarchies, and social fissures of societies” while strengthening the hegemony of elites.<sup>14</sup> White Minnesotans harnessed AIDS moral panic to demand increased policing as a means of protecting themselves and their loved ones from the changing racial demographics of the state.

Moral panics, thus, are likely to flare up during periods of intense economic stress because they provide the means for displacing or redirecting unwanted emotions and

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<sup>13</sup> Roger N. Lancaster, *Sex Panic and the Punitive State* (Berkeley, CA: University of California Press, 2011), 30.

<sup>14</sup> Gilbert Herdt, “Introduction: Moral Panics, Sexual Rights, and Cultural Anger,” in *Moral Panics, Sex Panics: Fear and the Fight Over Sexual Rights* (New York: NYU Press, 2009), 18.

experiences associated with larger patterns of social failure. They have the effect of diverting responsibility for economic insecurity away from the state towards imagined others at the margins of society.

In the United States, moral panics have historically obtained their power through the cultural anger exhibited by working- and middle-class whites for the benefit of elites.<sup>15</sup> Since these spectacles of crime and victimization deflect a focus from quotidian business practices and policies that render people economically vulnerable, the mainstream media and the political establishment make use of orchestrated cultural anger to fuel moral and sex panics. Central to prodding acceptance of neoliberal policies of deregulation, incarceration, and privatization, is panic—in all its guises. In *The Shock Doctrine*, political commentator Naomi Klein argues that business interests and free-marketeters foist unpopular *laissez-faire* policies by formulating them as responses to catastrophes and emergencies.<sup>16</sup> Essentially, moral panics can be used to harness transformations in the political economy. Klein urges us to consider how moral panics are instrumental in coercing people into embracing free market capitalist solutions and, I would add, urging people to conform to gender, sexual, and domestic space norms—racialized norms of sexual hygiene, which operate as a proxy for white supremacy.

In this chapter, I show that the symbolic reordering of urban space in the 1980s was a reflex of sexual anxieties tied to white injury and concerns activated by the shift in the political economy of central cities in the United States. AIDS moral panic proved particularly salient because it provided elites with the means to “cleanse”—through the

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<sup>15</sup> Herdt defines cultural anger as “the marshaling of intense emotion across diffuse domains and arenas of action to unite disparate individuals and groups in political pursuit of a common enemy or sexual scapegoat.” Ibid., 5.

<sup>16</sup> Naomi Klein, *The Shock Doctrine: The Rise of Disaster Capitalism* (New York: Metropolitan, 2007).

implementation of neoliberal urban policies—both the social body and the built environment of sexual miscreants, particularly sex workers of color with HIV/AIDS. I argue that the moral panic associated with HIV/AIDS served racial and political interests, employing the threat of non-white transmission to cultivate technologies of social control and urbanization. Public health officials and urban policymakers surveyed, zoned, and tidied up the city through technologies of social control designed to banish, constrain, and discipline racialized subjects deemed “high-risk.” To garner support for these policies and practices, elites eschewed structural analyses of transmission in favor of discourses of racialized deviance. This process was further corroborated when white gay leaders actively participated in the demonization of racialized sexuality. In conjunction with mainstream media, law, and public health, white gay leaders used moral panic discourses that were racialized to make poor, people of color the center of the panic around HIV/AIDS. This move provided white gay leaders with a space to vouch for the social value of white gay men infected with the virus. Since matters of sexual hygiene comprised a significant portion of the discourse of respectability, white gay leaders defined the social position of gay men and lesbians by emphasizing their difference from poor, people of color—both heterosexual and homosexual. In short, sex workers of color mobilized gay leaders into a nascent homonational collective over and against the racialized bodies that undermined the morality and respectability on which white gay leaders rallied for social recognition. By pursuing this political strategy, gay community activists inadvertently attributed social inequality to the mere nonconformity of social norms and, as a result, foreclosed a critique of structural inequality’s crucial role in abetting the epidemic.

I first look at the role of the mainstream media in fabricating the moral panic surrounding the HIV/AIDS epidemic by discussing the case of Fabian Bridges, a black gay man with AIDS, who was accused of recklessly exposing others to the virus. I analyze how the media's representation of Bridges purposefully stoked anxieties about interracial sexual relations. The case of Bridges, and others like him including Rea Robinson, another alleged sex worker of color in the Twin Cities region, alert us to the centrality of white injury in shaping public health and law responses to HIV/AIDS. This neoliberal project placed the interests of not only municipal governments into play but those of white gay organizations as well. As I reveal, the need to police and discipline the behavior of PWHAs and sex workers of color was more than a self-imposed prerogative of heterosexual agencies and institutions, it was also a duty performed by white gay organizations and a white gay middle-class, evermore invested in a politics of respectability, to re-energize a white liberal discourse and practice of "Minnesota Nice." I frame AIDS moral panic as the nucleus for producing respectability among white gay leaders and their constituents, a respectability politics that worked to criminalize people of color with HIV/AIDS and helped extend the media and the law's neoliberal advances. Rather than thinking of AIDS moral panic as episodic, I propose that we think of it as a continuing struggle of race and sexuality.

**"I guess I'm to the point where I just don't give a damn:" The Fabian Bridges Story.**

As one of the most important institutions shaping mainstream opinion and delineating community goals, the mainstream media, Stanley Cohen argues, is the originator and main culprit in the construction of moral panics by practicing a type of

sensationalist journalism that spreads fearful imagery and ideas that actually distort the facts.<sup>17</sup> Inasmuch as mass media possesses the capacity to appall, outrage, or conjure angst and terror, it is indispensable to the mechanics of moral panics.<sup>18</sup> Although moral panics have occurred throughout history, in the 20<sup>th</sup> century, the media occupied a central element in their development by providing, maintaining, and regulating “the available frameworks and definitions of deviance, which structure both public awareness of and attitudes toward social problems.”<sup>19</sup> Those running mainstream media institutions determine the significance of everyday interactions when they dictate what should be classified under the category of “news,” and, accordingly, what should be interpreted as important. Historically, white men have exercised authority over these institutions. Provided that mainstream media’s institutionalized relationship with the dominant parties among race, class, and gender groupings, we can witness how cultural elites mobilize moral panic discourses in civil society and media as a means of fabricating collective narratives and cultural scripts that enforce hegemony.<sup>20</sup> As an instrument of elites, the mainstream media, through excessive news coverage and strong editorial support, can marshal public opinion and oblige action by local government in support of particular agendas and policies. I reveal in this chapter that mainstream media, moral entrepreneurs,

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<sup>17</sup> Cohen, *Folk Devils and Moral Panics*.

<sup>18</sup> Media companies maintain a vested interest in the manufacture and administration of particular types of fear. According to Lancaster, mass media instigates panic to sell newspapers and magazines, to urge community building, to subdue dissent, and to nurture other kinds of social discipline. These features play a crucial role in fabricating panic as a normal condition in the United States. Lancaster, *Sex Panic*.

<sup>19</sup> Tim O’Sullivan, *Key Concepts in Communication and Cultural Studies*, 2d ed. (London: Routledge, 1994), 186.

<sup>20</sup> Fred Fejes breaks modern media-driven moral panics into three stages. First, an event and/or a group garner extensive media coverage. This attention then leads to the implementation of a primary frame of reference in which subsequent events are interpreted. Second, continued media attention amplifies the initial frame and interprets the event and/or the group as threats to the larger moral order of society. Third, given the undercurrent of panic, greater state control and regulation is enacted to solve the problem. However, as Fejes points out, the perceived threat is all out of proportion to the actual reality. Fejes, “Murder, Perversion, and Moral Panic.”



and white gay leaders repeatedly incited and allayed the public's racial and sexual anxieties in order to justify neoliberal policies of privatization, retrenchment, and incarceration that facilitated the subsequent gentrification of central cities in the United States. These mainstream discourses and practices further marginalized those who did not serve the interests of elites, namely the racialized poor.

From early in the epidemic, mainstream media constructed and circulated representations of PWHAs that inflamed the moral panic associated with the disease.<sup>21</sup> The state's absence in public policy on HIV/AIDS provided mainstream media with an opportunity to step in and assemble its own narrative. What mainstream media produced, Martha Gever observes, were the very same sensationalist fears it purported to objectively arbitrate.<sup>22</sup> Since AIDS commentary inexhaustibly focused on the non-existence threat of transmission by casual contact, the moral panic associated with HIV/AIDS destabilized scientific knowledge. In its place, a cultural agenda that was "medically misinformed...socially misleading and politically motivating" shaped the media, public, and state response to the epidemic.<sup>23</sup> Needless to say, the mainstream media's disavowal of epidemiology in lieu of a "moralized etiology of disease" rendered its own audience at risk of HIV infection by evading attention from scientifically proven means of blocking transmission.<sup>24</sup> In shaping the public's perception of HIV/AIDS, broadcast journalism and print media—instead of allaying fears—provoked a continued state of fear among the American public.

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<sup>21</sup> James Kinsella, "The AIDS Channel," in *Covering the Plague: AIDS and the American Media* (New Brunswick, NJ: Rutgers University Press, 1989).

<sup>22</sup> Martha Gever, "Pictures of Sickness: Stuart Marshall's Bright Eyes," in *AIDS: Cultural Analysis, Cultural Activism*, ed. Douglas Crimp (Cambridge, MA: MIT Press, 1987).

<sup>23</sup> Watney, "The Spectacle of AIDS," 80.

<sup>24</sup> *Ibid.*, 72.

In 1986, when it became apparent that HIV/AIDS *could* pose a threat to “the general population,” a vague term, according to James Kinsella, that white journalists used to refer to themselves and those they knew personally, mass media conveniently shifted its focus to covering HIV/AIDS.<sup>25</sup> This threat narrative subsequently dominated the airwaves and print. Major U.S. newspapers and magazines published cover stories on the imminent danger HIV/AIDS posed, not to risk groups such as gay or bisexual men and IV-drug users of color, but to white, heterosexual, middle-class suburban Americans.<sup>26</sup> Mainstream media used white women and children as a compelling way of telling the story of the epidemic. In particular, the most innocent victims, Douglas Crimp observes, were the white, middle-class hemophiliac children, including Ryan White, who were “so innocent that they [could] even be shown comforted, hugged, and played with.”<sup>27</sup> (The lack of news stories devoted to women and children of color being infected by HIV implies that the category of “innocent” was racially inflected.) News media played an instrumental role in disseminating the ideology of white injury. Through their stories of white women and children as helpless victims of AIDS and their characterizations of most gay men and prostitutes of color as agents of HIV, news media stressed white injury and minimized the state’s culpability in fomenting the epidemic.

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<sup>25</sup> Kinsella, “The AIDS Channel,” 210.

<sup>26</sup> Since the public already perceived gay men and “junkies” as the culprits of the epidemic, a gay man or an IV-drug user with AIDS did not figure as a story in and of itself. On the other hand, white heterosexual people with AIDS, primarily women and children, were frequently regarded as innocent victims. Gevert, “Pictures of Sickness.”

<sup>27</sup> These white, middle-class, hemophiliac children included Dwight Burke, a white baby from Crescent, Pennsylvania, who was dying from the disease after his father who was a hemophiliac infected his mother. Another such figure was Ryan White, a white teenager from Kokomo, Indiana, who acquired the virus as a hemophiliac. White’s fight to stay in school after he was diagnosed with AIDS galvanized the nation’s attention and enlisted the support of celebrities including Elton John. Douglas Crimp, “Portraits of People with AIDS,” in *Melancholia and Moralism: Essays on AIDS and Queer Politics* (Cambridge, MA: MIT Press, 2002), 90.

Despite the newfound media interest, the overuse of images of white hemophiliac children gravely distorted the facts over who was actually acquiring the virus and developing the disease. According to a study conducted by the Center for Media and Public Affairs of television depictions of PWHAs in the United States, heterosexuals were ten times more likely to be shown than gay or bisexual men despite the latter being eight times more likely to contract HIV.<sup>28</sup> Not only were these enduring cases heterosexual, they were almost always white and middle-class despite HIV/AIDS among heterosexuals being largely relegated to African-Americans and Latinx. Since blacks and Latinx have been construed as racially other vis-à-vis their alleged sexual deviance, cases of them becoming infected by HIV did not garner the same public attention or outcry. Therein lay a contradiction. On the one hand, the risk of transmission to white heterosexuals was relatively minor. On the other hand, AIDS advocates realized early on that perhaps the only way they would garner attention by the government and the media was by stoking the fears of white heterosexual transmission.<sup>29</sup> Still, by largely focusing on white heterosexuals, media coverage distorted who was acquiring the disease.<sup>30</sup> This

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<sup>28</sup> Kinsella, "The AIDS Channel," 220.

<sup>29</sup> See: Jennifer Brier, *Infectious Ideas: U.S. Political Responses to the AIDS Crisis* (Chapel Hill, NC: University of North Carolina Press, 2009).

<sup>30</sup> When gay or bisexual men and IV-drug users of color *were* the main protagonists of news stories, they were almost always portrayed in a negative light. One of the central problems with the epidemic, Crimp articulates in his critique of early media representations of PWHAs, is the "bureaucratic abstraction" of those living with the virus. As a result, the portrait of the PWA in print and television became a genre onto itself to "give AIDS a face," to "bring AIDS home," so to speak. Crimp identifies the infamous set of pictures of PWHAs by Nicholas Nixon as one of the most notable entries to this genre. In Nixon's portraits, we saw the "AIDS victim" as a hospitalized subject "ravaged, disfigured, and debilitated by the syndrome...alone, desperate" and, ultimately, relinquished to impending death. Such portraiture, Crimp contends, was designed to deny difference by urging the audience to see itself reflected in the images. This representative strategy, however, privatized the mode of transmission by obscuring the institutional neglect that facilitated the spread of the virus. Early media representations of PWHAs such as Nixon's withheld how the epidemic was abetted by the government's policy of benign neglect. According to Crimp, Nixon's photographic framing of PWHAs obscured "the mostly deliberate failure of public policy at every level of government to stem the course of the epidemic, to fund biomedical research into effective treatments...and

distortion strengthened public fears and shaped the perceptions and, by extension, actions of policymakers.

Scholars have largely attributed the media's early portrayal of HIV/AIDS to homophobic sentiment. Be that as it may be, fears of racialized sexuality also animated the cultural anger associated with AIDS moral panic. The state's absence in public policy on HIV/AIDS created an opening for mainstream media to step in and create its own narrative. Included within that narrative was a cultural agenda of morality. The other part of the narrative centered on recycling preexisting categories of racialized sexual deviance. As it was becoming apparent that HIV/AIDS disproportionately impacted people of color, mainstream media began circulating stories that exploited deep-rooted fears of interracial sexual relations. These stories centered on the mythic figure of the prostitute of color who purposefully terrorized clients and their families by spreading disease. Even if these men and women of color were not prostitutes, they were always already understood as suspect given ongoing perceptions of racialized sexuality as "excessive." Racism and, in particular, anti-blackness contributed to fueling the waves of paranoia that mainstream media incubated in reporting on HIV/AIDS. Under these circumstances, racialized sexual anxieties fused with homophobia to produce a particular discourse of AIDS moral panic. Because they interpreted the epidemic as evidence of

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conduct massive and ongoing preventive education campaigns." The administration of President Ronald Reagan infamously delayed and, at times, criminally obstructed funding measures for medical care, research, and social services for PWHAs. Yet, none of these early media representations recognized the disease's public dimension or acknowledged the social conditions that engendered and perpetuated the crisis (e.g., racism, homophobia, government inaction, and inadequate healthcare and housing). What the media did sanction were stories that only strengthened the public perception that people were dying because of personal irresponsibility. Conversely, whenever early media representations of AIDS portrayed public fears, prejudices and misunderstandings, these were always conveyed as individual. In doing so, the role of broadcast television and print media in planting and cultivating the seeds of panic were never acknowledged. Crimp, "Portraits of People with AIDS," 86, 91.

racialized sexual deviance, policymakers implemented a number of punitive measures that ran counter to halting the spread of the virus. Nonetheless, a single-issue lens cannot tell *that* story; it merely focuses on homophobia. What we need instead is an intersectional approach to broach the crosscutting political, social, and economic factors that fueled the HIV/AIDS epidemic in its local, national, and global permutations.

The mass mobilization of racist and homophobic characterizations of PWHAs—accounts which actively elided the role of the government—served as the ideological fodder on which AIDS moral panic could propagate. But, if moral panics mask other social anxieties, then AIDS moral panic was not about the virus or disease, *per se*. Taking into account the shifts in the country's political economy, I argue that AIDS moral panic symbolized white injury, or a desire to restore white supremacy and heteropatriarchy at a moment in time when capital and the state apparatus ushered in a changing global economy and neoliberal forms of governmentality, replete with a cultural emphasis on morality and privatized “family values.” That is, HIV and narratives of its cross-racial transmission functioned as a metaphor for the material threat of dwindling white supremacy in the United States. As I discussed in the introduction to this dissertation, beginning in the late-1970s and culminating in the 1980s, morality became a rallying cry for conservatives. As a result of the Civil Rights movement, the women's movement, and gay liberation, conservatives berated society for supposedly undermining the established order of capitalism, heteropatriarchy, and white supremacy. Neoliberalism, therefore, was a means of re-centering white supremacy and heteropatriarchy as much as it was a means of accumulating capital. With this goal in mind, cultural representations of PWHAs by mainstream media, a technology of the state and private capital, were commissioned in

support of neoliberal policies including retrenchment (the curtailment of social services), privatization (the sanitation of the public sphere and the body politic of “immoral” and “diseased” bodies), and punishment (the passage of punitive measures such as “contact tracing,” non-compliant carrier ordinances and quarantine orders). The cultural representations of prostitutes of color, as I indicate below, were ideologically fixated to achieve those neoliberal policies. Prostitutes of color were easy targets. Although their status as PWHAs could illustrate the interplay of structural factors in mediating risk for transmission, mainstream media effortlessly abstracted the state’s role in the epidemic by individualizing their transmission as the mere result of personal irresponsibility, the latest example of racialized sexuality’s inherent deviance and non-compliance. The media’s racial storytelling of the AIDS crisis capitalized upon a shared social lexicon that berated racialized sexuality as intrinsically dangerous.

As mainstream media obsessed over the threat HIV/AIDS posed to white heterosexual populations, it placed no such focus on how the epidemic was wreaking havoc on those most at risk, namely gay and bisexual men, and IV-drug users of color. Perhaps with an awareness of the disease’s faceless abstraction, WCCO-TV, the CBS affiliate in Minneapolis, a major local media conglomerate in its own right, in partnership with the Public Broadcasting Service (PBS), searched for subjects to feature in a story about the epidemic’s impact. Fabian Bridges was not the story WCCO had initially set out to tell.<sup>31</sup> He was penniless, hungry, and dying of AIDS.<sup>32</sup> When he appeared on

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<sup>31</sup> The *Frontline* episode begins with the WCCO-TV crew roaming the country in search of a “good” AIDS story. In the summer of 1985, the WCCO team had ventured to Houston after learning that the gay community there had been “hurt badly” in a referendum and would be “very vulnerable” to an outbreak of AIDS moral panic. WCCO was unable to locate enough material to justify an entire documentary. However, from a contact there, WCCO learned of Bridges who had left Houston for Indianapolis since he

camera, Bridges, a “wiry,” 30-year-old African-American gay man from Houston, Texas, spoke in an “affectless” voice, looking frail and vulnerable.<sup>33</sup>

On March 19, 1986, WCCO broadcast its first version of the Bridges story for the Twin Cities’ consumption. Less than a week later, PBS then re-aired the story, this time in a special two-hour episode of the documentary series, *Frontline*, titled “AIDS: A National Inquiry.”<sup>34</sup> The *Frontline* episode, one of the first primetime productions about AIDS in the United States, followed the last, lonely months of Bridges as he moved from city to city in an unsuccessful attempt to secure shelter and support. Although WCCO and PBS might hoped to provide a human face to the epidemic through Bridges, the documentary promulgated a number of damning messages about the “deviance” of racialized sexuality that further stoked the flames of AIDS moral panic.

WCCO and PBS billed the episode as an exploration of the struggles communities encountered when negotiating between the health of the public and the civil rights of PWHAAs.<sup>35</sup> At the opening of the episode, host Judy Woodruff, solemnly informed the audience, “You realize, coming away from seeing this film, that they’re human beings.” Yet, filmmakers were unable to portray Bridges as a victim. Quite the opposite, Bridges “provided a compelling story to show America the ugly face of the epidemic’s spread.”<sup>36</sup>

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could not secure care there; no nursing homes in Houston would care for people with AIDS. James Davies, “Protestors question WCCO’s methods, intent in AIDS story,” *Equal Time*, Nov. 13, 1985.

<sup>32</sup> Originally, the TV crew centered their attention on four different persons with AIDS, but producers found the story of Bridges so compelling that they decided to focus solely on him.

<sup>33</sup> Martha Bayles, “Television: Documentary: A Case of AIDS,” *Wall Street Journal*, Mar. 24, 1986.

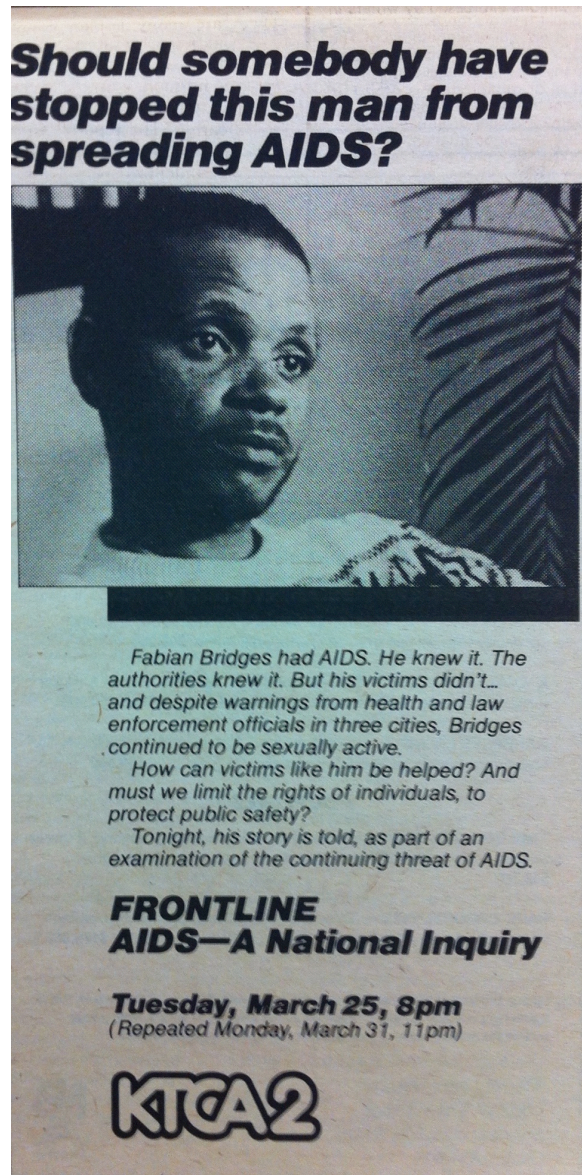
<sup>34</sup> The format of the special *Frontline* episode was a departure for the series. It consisted of the 35-minute documentary and a special discussion with satellite connections to Denver, Houston, and San Francisco. “AIDS: A National Inquiry (Frontline TV Episode).” Prod. Michael Kirk, Michael Mierendorf, Ben Loeterman. Boston, MA, and Minneapolis, MN: WGBH and WCCO, 1986.

<sup>35</sup> Judith Michaelson, “PBS’ Woodruff Hosting National Aids Inquiry,” *Los Angeles Times*, Mar. 24, 1986.

<sup>36</sup> Kinsella, “The AIDS Channel,” 211.

In his wake throughout the country, Bridges generated controversy and ignited public health concerns that he was engaging in unprotected sex with unsuspecting victims. The WCCO crew interviewed his doctor, his family, and various state officials who, because they were resolutely unaware of how to address his emotional, housing, and medical needs, were subsequently unsuccessful in controlling his behavior without violating his rights. For the most part, filmmakers provided a resounding “no” to the question they had initially set out to answer: could one protect public health while safeguarding individual civil liberties? The episode’s simplistic emphasis on public health versus civil rights obscured an equally important discussion on the troubling legal, moral, and social conditions of possibility that rendered Bridges susceptible to institutional neglect and media exploitation (Figure 3.1).





**Figure 3.1: This image promoting the PBS airing of the Fabian Bridges story appeared in *Equal Time*, a gay and lesbian-themed newspaper in the March 19, 1986 issue.**

In Houston, Bridges worked as a \$19,000-a-year employee for county flood control until disease disabled him. In April of 1985, doctors at Jefferson-Davis Hospital in Houston diagnosed Bridges with a number of AIDS-related infections. After three months of in-patient treatment, Bridges was no longer sick enough to stay. In this short time span, Bridges had already lost his job, had no money, and had nowhere to live

outside the hospital.<sup>37</sup> In a highly suspect move, officials at Jefferson-Davis Hospital paid for a one-way plane ticket to Indianapolis, where Bridges' sisters lived.<sup>38</sup>

Once in Indianapolis, however, Bridges' family refused to take him in because they feared HIV transmission through casual contact. One of Bridges' sisters expressed her concerns to the WCCO crew: "We just didn't know enough about the disease and we knew that when you had it you would die and that certain aspects of it...you, it was contagious." She added, "We weren't sure of how you can contract it, you know. We heard only sexual conduct, but now we're hearing other things like saliva or whatever." Part of the reason neither one of his sisters was willing to open their home to Bridges was because their husbands opposed it. Bridges' brother-in-law confessed to the WCCO crew that he was afraid for his toddler son: "He doesn't know what AIDS is. He doesn't know what homosexuality is. He's...he's innocent."<sup>39</sup> Filmmakers did not correct Bridges' family on their mistaken understanding of HIV transmission. With this exchange, filmmakers overlooked a teachable moment and allowed misinformation to air on national primetime television.

Without money, Bridges drifted around Indianapolis, sometimes staying in shelters for the "indigent." It was there where Bridges was jailed for stealing a bike. Because of his disease, he was placed in isolation. Bridges later recounted to the WCCO crew, "I felt I was being treated like an animal." So humiliated was he by the whispers of sheriffs and maintenance crew wearing rubber gloves as they passed his cell that Bridges snapped he "could have grabbed them by the neck, choked the hell out of them." He

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<sup>37</sup> Although Bridges had applied for Social Security, he had yet to receive his first check.

<sup>38</sup> "AIDS: A National Inquiry (Frontline TV Episode)." WGBH and WCCO, 1986.

<sup>39</sup> Ibid.

would have liked “to [have] transmit[ed] the disease...and [seen] how they reacted.”

Upon learning that Bridges had AIDS, the jailer rushed him to court where the judge pulled twenty dollars out of his own pocket and demanded that Bridges “get out of town.” Authorities dropped the charges on the condition Bridges leave town immediately.<sup>40</sup> They provided Bridges with a bus ticket to Cleveland where his mother lived.<sup>41</sup> But, like his sisters, his mother too refused to let him come home because her husband opposed it.<sup>42</sup>

In late summer of 1985, the WCCO crew located Bridges in a cheap hotel room in Cleveland paid for by the American Red Cross.<sup>43</sup> Since he did not know where to sleep and the city lacked adequate facilities for someone of his circumstances, the WCCO crew provided Bridges with money to rent a hotel room. The narrator explained the crew’s decision-making process: “He said he had no money, so sometimes we bought him meals, and we had his laundry done. One day Fabian saw a small portable radio he liked,

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<sup>40</sup> In jail, Bridges was placed in isolation “to keep him away from the other prisoners, so he wouldn’t contaminate them or anybody else.” Bridges described being treated in a “very dehumanized” fashion, that “it went beyond slavery.” According to Bridges, “Everyone put on rubber gloves, like they were ready to go into surgery. They were afraid if I breathed on them.” Because there was nothing he could do, Bridges “turned around in the cell and just hit [his] my head against the corner and...started to cry.” Deputy Terry Dale of Indianapolis explained to the WCCO crew that his “biggest concern was for [himself] and the other prisoners and other deputies that [Bridges] possibly would come in contact with and spread the disease.” As soon as learning there was a person with AIDS being held in jail, municipal judge, Judge John Downer, met with the prosecutor and the deputy. They decided to drop the charges against Bridges. Afraid Bridges would transmit the virus to 900 other inmates, a bewildered Downer “chipped in \$20 and the county fund chipped in the rest of the money” to provide Bridges with a one-way bus ticket to Cleveland. Deputy Dale transported Bridges to the bus station and “made sure he got on the bus OK.” Judge Downer feared people in the courtroom might erupt into a panic if they had learned there was a person with AIDS in their midst. So concerned were authorities of transmission through casual contact that they reportedly threw away the pens and pencils that Bridges used to sign some of the required documentation. Ibid.

<sup>41</sup> It is also in Indianapolis where a reporter from the *Indianapolis Star* picked up the story that led WCCO to Bridges. The WCCO-TV crew learned of Bridges from a story by Kyle Neiderpruem for the *Indianapolis Star*. *Frontline* episode. Ibid.

<sup>42</sup> This scene was re-enacted for the cameras. In the scene, a fatigue-clad Bridges hovered over an open telephone in a Cleveland bus station. He phoned his mother and begged her, “Can you please come and pick me up?...Why not?...Can I come home? Where am I going to stay? You want to me stay in the street?” Ibid.

<sup>43</sup> After his mother was unable to take him in, Bridges visited the American Red Cross for assistance. The Red Cross was unable to locate a shelter that would take a person with AIDS. As a result, the Red Cross paid for the hotel room where the WCCO-TV crew located Bridges. Ibid.

so we bought it for him.”<sup>44</sup> To justify the gifts, the narrator alluded to Bridges’ supposed sex work at commercial sex establishments. “Fabian hung out on the streets [of Cleveland] and said he made friends there. He spent time in adult bookstores and movie houses and he admitted, it was a way, he helped support himself.”<sup>45</sup> The narrator justified WCCO’s donation of gifts to Bridges on the account that the funds helped Bridges curb his activities at commercial sex establishments.

In Cleveland, Bridges notified filmmakers that he was continuing to engage in sexual relations without informing his partners that he had AIDS. Bridges admitted to the camera: “Sometimes I do it for money, especially when I don’t got any. I did it for money yesterday. I made five dollars.”<sup>46</sup> In the following scene, Bridges detailed a private encounter with one of his “tricks.” Bridges recounted that he brought an unidentified man over to the hotel where the two engaged in “intimate” sex. The interviewer pressed Bridges if there was kissing involved, assuming such an activity could transmit the virus. There was not, Bridges insisted. But there was unprotected sex. Bridges revealed, “I came inside him, an accident, ‘cuz the minute I was pulling it out, it was coming out and I cleaned him up. We cleaned each other up. We got dressed and we exchanged phone numbers. He called me the other night.”<sup>47</sup> In a voiceover, the narrator reacted to the

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<sup>44</sup> WCCO paid for several “inexpensive” meals for Bridges, which he ate with the crew. The crew also provided Bridges with money at Bridges’ request for room and board. The crew never checked the receipts or verified how the money was spent. James Davies, “Protestors question WCCO’s methods, intent in AIDS story,” *Equal Time*, Nov. 13, 1985.

<sup>45</sup> “AIDS: A National Inquiry (Frontline TV Episode).” WGBH and WCCO, 1986.

<sup>46</sup> The mainstream media portrayed Bridges as a homosexual prostitute with AIDS. Mike Sullivan, the public affairs director of WCCO-TV, refuted this claim. Although he admitted Bridges was poor, according to Sullivan, this was the only time that Bridges had told the WCCO crew of a paid encounter for sex. Sullivan characterized Bridges as someone who was experiencing a kind of “nihilism” about his own life and by extension other people’s lives because he was apparently engaging in unsafe sexual activity. James Davies, “Protestors question WCCO’s methods, intent in AIDS story,” *Equal Time*, Nov. 13, 1985.

<sup>47</sup> Bridges lacked an understanding of HIV’s transmission. The interviewer asked Bridges if the man knew he had AIDS. Bridges shook his head. The interviewer pressed on: “Do you worry about him?” Bridges

admission: “After Fabian told us he was having unsafe sex, we faced a dilemma. Should we report him to authorities or keep his story confidential, knowing that he could be infecting others? We decided to tell health officials what we knew.”<sup>48</sup> When Bridges revealed to filmmakers that he was allegedly engaging in unprotected sex for money, filmmakers made the decision to turn him over to health authorities in Cleveland.<sup>49</sup>

Bridges’ “story had suddenly changed,” the narrator exclaimed. “He was no longer just a victim.” Rather than contacting an HIV/AIDS resource group which might have been more prepared to deal with Bridges’ emotional, housing, and medical needs, the WCCO crew contacted the president of the Cleveland City Council.<sup>50</sup> In a symbolic scene reflecting the inadequate social infrastructure in place to address a crisis of this magnitude, the president of the Cleveland City Council called officials of health, legal, and social services together to discuss the best course of action against Bridges. Cleveland’s quarantine laws only allowed for a 10-day hold. At the round table discussion, one of the panelists of all men warned: “The guy’s got a gun and he’s out shooting people. You don’t die in fifteen seconds; you die in two years.” The panelist characterized Bridges as a dangerous criminal—a terrorist—whose free movement threatened the general population of white heterosexuals with a painful, slow death.

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shook his head once again: “He seems pretty healthy.” This was perhaps even more of a reason as to why Bridges required service from an AIDS care organization. “AIDS: A National Inquiry (Frontline TV Episode).” WGBH and WCCO, 1986.

<sup>48</sup> In an interview with the *Chicago Tribune*, Mike Sullivan, the public affairs director of WCCO-TV, denied accusations that WCCO leaked the story to the press. According to Sullivan, a Cleveland City Council Member alerted the media about the situation. “Police trail AIDS victim who vows to have sex,” *Chicago Tribune*, Oct. 3, 1985: 4.

<sup>49</sup> WCCO claimed that Bridges had informed the crew that he had admitted to having upwards of six sexual partners a night and that he refused to stop having sex even though he knew he had AIDS. Joanne Ostrow, “AIDS victim who had sex raises issues of morality,” *The Citizen* (Ottawa, Ont.), Mar. 24, 1986: A18.

<sup>50</sup> WCCO informed the Cleveland City Council that Bridges had sex with as many as eight men in Cleveland.

While the city brainstormed punitive measures to restrict Bridges' movement, Bridges finally began receiving disability benefits.<sup>51</sup> His mother, however, confiscated the check; she planned on using the funds for Bridges' funeral arrangements. Upon learning this, Bridges took the money and fled back to Houston.<sup>52</sup>

In Houston, Bridges was met with media frenzy. In late September of 1985, news sources throughout the country picked up the story, reporting that Bridges was a "transient" who knowingly had sex with others despite knowing he had AIDS. *Time* magazine called him a "pitiful nomad."<sup>53</sup> The *Los Angeles Times* described him as an "awful, awful person," a "miserable, wretched, uncaring victim-turned-victimizer who used his body as a lethal weapon."<sup>54</sup> Meanwhile, the *Wall Street Journal* branded Bridges as a "gloomy, remote, acne-scarred stranger" who came across as "pathetic rather than threatening—a scruffy little plague ship adrift in the lower depths."<sup>55</sup>

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<sup>51</sup> "AIDS: A National Inquiry (Frontline TV Episode)." WGBH and WCCO, 1986.

<sup>52</sup> Ibid.

<sup>53</sup> Judith Michaelson, "PBS' Woodruff Hosting National Aids Inquiry," *Los Angeles Times*, Mar. 24, 1986.

<sup>54</sup> The *Los Angeles Times* added that the PBS/WCCO-TV documentary was "shabby and voyeuristic" similar to "dwelling on a freeway crash." The *Los Angeles Times* questioned the relationship between the WCCO-TV crew and Bridges, accusing the documentary of blurring the line between "reporter and story" when the crew provided Bridges with money for a hotel room and when it bought Bridges a radio Howard Rosenberg, "'Frontline' AIDS Controversy: Documentary Makers' Relentless Focus on the Lethal Life Style of a Dying Fabian Bridges Puts Minneapolis Station and PBS in the Spotlight," *Los Angeles Times*, Mar. 27, 1986.

<sup>55</sup> In its review of the *Frontline* episode, the *Wall Street Journal* reported that the documentary produced two contradictory effects. On the one hand, the documentary raised important questions regarding the tension between public health and civil liberties. On the other hand, the *WSJ* accused the filmmakers of casting such a negative light on Bridges that it prevented the audience from identifying or sympathizing with Bridges and, by extension, coming to terms with AIDS. Thus, to encourage readers' identification with Bridges, the *WSJ* attempted to reverse Bridges' demonization by claiming that his sexual behaviors may not have been so anti-social as initially assumed. The *WSJ* suggested that Bridges' desire for "love and intimacy" mirrored people's desires to be love. However, Bridges' failure, the *WSJ* contended, was his inability to regulate his sexual impulses or to recognize the consequences of his actions. The *WSJ* appropriated the tragic figure of Bridges to illuminate both the dangers of promiscuity and to vouch for the benefits of personal responsibility. But, to salvage the humanity of Bridges, the *WSJ* characterized him as a victim of a "gay lifestyle" that was "compulsively promiscuous." The *WSJ* scolded, "The brutish promiscuity of certain gay bars and bathhouses is alien to most of us" (emphasis added). The *WSJ*'s use of the pronoun "us" reveals the author's identification with the heterosexual public. But, it also seeks to rhetorically distance this "brutish promiscuity" to the public sphere of "gay bars and bathhouses," away

Perhaps sensing his limited options, Bridges phoned the WCCO crew and asked if they would be interested in continuing the story.<sup>56</sup> Filmmakers traveled down to Houston where they encountered a homeless Bridges intermittently living in bathhouses.<sup>57</sup> After Bridges allegedly informed the WCCO crew that he continued to engage in sex to meet his housing needs, the WCCO crew once again provided Bridges with funds to secure a room. Unlike the previous time, this offer came with a stipulation. The narrator explained, “Because Fabian didn’t know where he was going to sleep, we gave him the money on the condition that he not practice unsafe sex and that he stay away from the bath houses.” In an interview with *Equal Time*, a gay and lesbian-themed newspaper in the Twin Cities, Mike Sullivan, WCCO Public Affairs Director and executive producer of the *Frontline* episode, acknowledged that WCCO “gave [Bridges] fifteen bucks each night” during the last weekend of September of 1985 to purchase lodging.<sup>58</sup> When asked by *Equal Time* why WCCO provided Bridges with so little money, Sullivan hesitated

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from the “normal male-female sexual conduct” precariously nestled in the private sphere of white domesticity. Simply put, the only way the *WSJ* could recuperate Bridges as a victim was by demonizing gay men who did engage in non-monogamous sexual acts and by naturalizing the private sphere of the home as the domain of white, heterosexual domesticity. The *WSJ* accomplished the dubious task of further perpetuating AIDS hysteria in its attempt to curb these fears. The *WSJ* even cited data from African countries to warn that heterosexual contact via “drug-taking prostitutes” could in fact spread the virus into the home of American families. Martha Bayles, “Television: Documentary: A Case of AIDS,” *Wall Street Journal*, Mar. 24, 1986.

<sup>56</sup> Mike Sullivan described Bridges at this point as “basically indigent” but believed he may have continued receiving social security benefits. James Davies, “Protestors question WCCO’s methods, intent in AIDS story,” *Equal Time*, Nov. 13, 1985.

<sup>57</sup> In a voiceover in the episode, the narrator informed the audience: “Fabian told us he was broke again.” When Bridges was unable to afford admission to bathhouses, he lived on the streets and slept in empty buildings “where he said he brought people for sex.” Bridges had supposedly spent his social security funds attempting to pay off an old debt, and “he had squandered the rest.” “AIDS: A National Inquiry (Frontline TV Episode).” WGBH and WCCO, 1986.

<sup>58</sup> Sullivan, who authorized the payments to Bridges, defended WCCO’s payment of money to Bridges as “the right thing” since it ostensibly encouraged him to have less sex. Filmmakers worried Bridges would have sex with someone simply to stay the night. Sullivan elaborated, “I think in this case we probably kept him out of a lot of sexual encounters by just being with him and...hopefully by giving him some money for a place to stay. That is certainly the hope and intent...It seemed a reasonable thing to do at the time.” James Davies, “Protestors question WCCO’s methods, intent in AIDS story,” *Equal Time*, Nov. 13, 1985.

before finally admitting “it [would have been] inappropriate to support him in a style [of living] to which he was not accustomed.”<sup>59</sup> Although Sullivan deservedly worried of negative public opinion regarding WCCO’s dispersal of money to Bridges, filmmakers raised a number of other ethical concerns that were left unaddressed.<sup>60</sup> What the WCCO crew did do was urge Bridges to schedule a doctor’s appointment that they then conveniently filmed.

Like the WCCO crew, the medical establishment in Houston was no better equipped to address Bridges’ needs. The WCCO crew filmed Bridges as he visited a local doctor to discuss modes of transmission. Bridges lacked basic knowledge over the virus, including its mode of contact. In a matter-of-fact tone, Bridges proudly informed the doctor that he had avoided kissing since “that’s another way to get it.” Instead of educating Bridges, the doctor revealed to Bridges that the county public health director would be sending Bridges a letter demanding that he refrain from “sexual activities and particularly from prostitution.”<sup>61</sup> The doctor further warned Bridges that if he continued to “misbehave” by having sex, he would not receive much needed medical assistance. On

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<sup>59</sup> Sullivan told *Equal Time*: “Well, I think we’re uneasy about it...I mean...it’s...you know...we were trying to find a way to do with some minimum...it makes journalists very uneasy to be this wrapped up in a story. It did from the beginning. \$15 was the amount requested by Bridges.” Sullivan claimed that if WCCO had put Bridges in a two hundred dollar a night hotel, “people would reasonably ask whether we’re buying information.” Ibid.

<sup>60</sup> First, the WCCO crew continued to film Bridges while they paid him. Second, despite Sullivan denying that filmmakers purposefully kept Bridges on the streets, enabling him to remain sexually active when other help was available, the WCCO crew did not contact the Houston AIDS Project. In fact, Sullivan admitted that the WCCO crew did not attempt to educate Bridges about safer sex. Additionally, in a jarring example of human subject violation, filmmakers failed to inform Bridges that *they* were the ones who reported him to the Cleveland Health Department. Ibid.

<sup>61</sup> The doctor warned Bridges: “If you [prostitute] in Houston, then you can be put under protective custody and, we just can’t take that chance, Fabian.” In a patronizing tone, the doctor added, “Now if you behave yourself and you know, we want to take care of you. If you get sick we will be glad to see you anytime, but if you see, if you go out and start being a male prostitute, then, we’re going to have to call the constables and have you locked up.” The doctor stressed that “it’s your obligation not to spread it to other people, you just can’t do that.” “AIDS: A National Inquiry (Frontline TV Episode).” WGBH and WCCO, 1986.



the contrary, Bridges would be subjected to a slew of social controls designed to constrain his mobility. Bridges' health, thus, hinged on his ability to comply with discourses and practices of personal responsibility outlined by medical health and law enforcement authorities. Perhaps pessimistic about the medical establishment's ability to assist him, Bridges ignored the warning. Due to Bridges' non-compliance, the county public health director issued him a carefully worded letter ordering him to "desist from having sexual relations and donating blood."<sup>62</sup>

Bridges did not use the \$15 a night he received from the WCCO crew on hotel rooms—as though he could locate such inexpensive lodging. After he reportedly admitted to filmmakers to engaging in unprotected sex, the interviewer asked Bridges on-camera, "If you know how dreadful the disease is, how could you go ahead and take the chance that you might give it to somebody?" Bridges paused. He stared into the camera and softly murmured: "I don't know...I just guess I'm to the point where I just don't give a damn, you know? I really don't." Bridges' remarks confirmed the audience's irrational and rabid fears of both the promiscuous homosexual and the sexually aberrant prostitute of color endangering public safety. Filmmakers enforced these perceptions by failing to

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<sup>62</sup> Violation of the directive entailed a third-degree felony, carrying a maximum sentence of 10 years in prison and a \$5,500 fine. In the letter, the county public health director, Dr. James Haughton, wrote, "A person who deliberately spreads a fatal disease is a danger to others and should be subject to psychiatric commitment." Haughton told filmmakers that Bridges remained "infectious" until the medical establishment found a cure or "until he dies." Bridges had also prompted Haughton to propose a plan to quarantine all AIDS patients who were "non-compliant." That is, those who were unwilling or unable to stop engaging in sex. Haughton made no distinction between "safe" and "unsafe" sex. To enforce the order, the county public health director contacted the Houston vice squad. Four undercover officers were assigned to "follow" Bridges. Prosecutors admitted that officers could not arrest Bridges unless he personally solicited sex from them or they actually witnessed him having sex. However, because officers "obviously were not going to [entrap Bridges]," without risking their safety, the vice squad abandoned efforts to arrest Bridges. "Defiant AIDS victim checks into hospital," *Los Angeles Times*, Oct. 3, 1985: 2.

contextualize Bridges' remarks as the final straw in a series of setbacks with family, doctors, and police.

When it appeared authorities had exhausted all options, the KS AIDS Foundation in Houston, an early AIDS service organization, eventually came out in support of Bridges by providing Bridges with housing assistance.<sup>63</sup> Despite finally having his housing needs met, the "inevitable" happened as did in so many of these early media representations of PWHAs. Bridges' AIDS symptoms returned. One week after he moved into his new home, Bridges was readmitted to the hospital. On November 17, 1985, Bridges died.<sup>64</sup> Because his family lacked the funds to bury him, after a week of his passing, Bridges received a pauper's funeral at public expense and was buried in the county cemetery. He was 30-years-old.<sup>65</sup>

### **The Theory of Secondary Marginalization and the Politics of Respectability.**

To describe the *Frontline* episode as controversial is putting it lightly. Critics of the episode accused filmmakers of sensationalism, inaccuracy, and purchased reporting. Among the loudest critics were gay leaders and AIDS advocates, who pointed to the

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<sup>63</sup> Authorities contacted "an old political adversary," gay activist Ray Hill who, in turn, called the Kaposi's Sarcoma AIDS Foundation. (When the WCCO team asked Haughton why he had not previously solicited help from gay activists, he answered: "It would have never occurred to me to turn to the gay community for help in resolving this problem.") Since the KS AIDS Foundation did not immediately respond, Hill "decided to go after [Bridges] and take the responsibility [upon himself]." Hill had to steer clear of media frenzy that continuously grew in scope. Hill convinced Bridges to voluntarily enter the hospital for evaluation after authorities gave him an ultimatum: check himself into a hospital for a psychiatric evaluation or be arrested and jailed on a charge of loitering. On October 2, 1985, Bridges admitted himself to the hospital in Houston. He left a day later. Eventually, the KS AIDS Foundation came out in support of Bridges. A lawyer on its Board of Directors opened his home to Bridges. Soon after, filmmakers lost contact with the protagonist of their documentary. The narrator explained: "The gay community was protecting him from the local press...and from us." "AIDS: A National Inquiry (Frontline TV Episode)." WGBH and WCCO, 1986.

<sup>64</sup> One night, after being transferred to the intensive care unit, Bridges began to bleed from his stomach and nose. He had a convulsion, went into a coma, and then into shock. According to one of Bridges' doctors, Bridges died peacefully. "He was not in pain during the last day of his life." Ibid.

<sup>65</sup> Dan Hinson, "Life Story," *Orlando Sentinel*, Nov. 24, 1985: A.22.

ethical questions involved in filmmakers providing Bridges with money and gifts.<sup>66</sup>

Critics also questioned whether Bridges was even a sex worker due to the lack of evidence. However, white gay leaders and AIDS advocates focused the bulk of their critique on WCCO and PBS publicizing what they deemed was a negative representation of PWHAs and gay men.

Perhaps anticipating the negative reaction from gay leaders and AIDS advocates, producers of the *Frontline* episode issued a disclaimer at the beginning of the show. Host Judy Woodruff prefaced the episode: “The film you are about to see is controversial; that’s because it’s a portrait of a man with AIDS who continued to be promiscuous.” Woodruff acknowledged that the “gay community” in San Francisco and other cities was protesting the film because they maintained that it was “unfair” to PWHAs. She explained that the gay community was concerned that “the general population [would] be unduly alarmed by this story and conclude that this man’s behavior is the rule rather than the exception.” Notwithstanding the violation of ethics involved in their relationship with Bridges, producers of the *Frontline* episode recognized the danger in circulating Bridges’ story to an American public that lacked an intimate understanding of the virus. Therefore, in an alleged attempt to educate the public, *Frontline* producers presented Bridges’ story as part of a live discussion on the epidemic.

Following the PBS broadcast, Harvard law professor Charles Nesson accompanied Woodruff, as both moderator and host of the after-show live discussion at the National Library of Medicine at the National Institutes of Health in Bethesda, MD. They were connected via satellite to experts in Houston, Denver, and San Francisco,

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<sup>66</sup> The WCCO crew had even talked with Bridges about possibly getting his van out of hock. “AIDS: A National Inquiry (Frontline TV Episode).” WGBH and WCCO, 1986.

including former San Francisco Public Health Director Mervyn Silverman, who had previously ordered that city's 14 bathhouses and sex clubs closed. A number of AIDS experts, including gay leaders and AIDS advocates, declined to participate in the on-air national panel as they feared the public would regard Bridges to be emblematic of most PWHAs, "instead of the aberration that he was," as Silverman brashly put it.<sup>67</sup> Those panelists who did participate focused much of the follow-up discussion on dispelling the public's perception that Bridges was the stereotypical "homosexual with AIDS."<sup>68</sup> Whether or not the panelists were successful in convincing the public that Bridges was an "abomination," what remained certain was that the documentary ignited a frenzied public response. The PBS broadcast of the *Frontline* episode garnered a stockpile of concerned calls from the public. On the night of its airing, KCET, the PBS-affiliate in Minneapolis, logged 168 calls, the largest telephone response to a KCET program in a decade. Of the 73 callers expressing opinions, 69 were negative.<sup>69</sup>

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<sup>67</sup> Silverman worried that "the image of this man doing what he did, demented as he was, [would] stay in people's minds." Ibid.

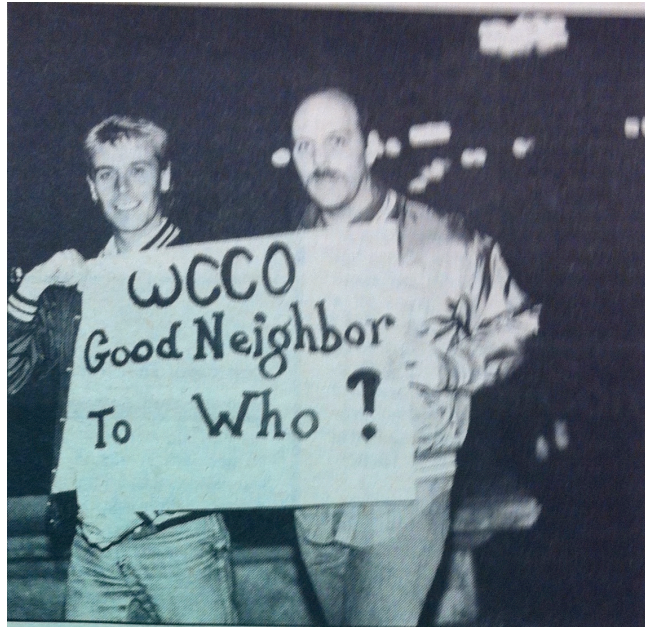
<sup>68</sup> Silverman explained that the documentary had garnered such widespread controversy because "it [had] painted a picture and stated as reality what is really an aberration." Silverman worried of "the harm" in the public seeing Bridges as "a stereotype of the gay male in America." He countered against this by insisting that in San Francisco gay men had dramatically changed their behaviors. Supposedly, there had been over a 90 percent reduction in STDs among gay men there. Silverman even added that this might have been the biggest behavioral change in medical history. But the public might not know this. Instead, Bridges would be remembered, "demented" as he was. Silverman explained that he considered Bridges "demented" because "anyone who knowingly infects someone else with a lethal germ has a problem." Silverman conclude that Bridges "wanted to go down as a hero," that he craved the attention. Silverman's characterization was based in part by the manner in which Bridges spoke, in a "bland...almost histrionics" fashion. Silverman added that when analyzing Bridges' behaviors: "You don't see a normal, rational individual." For that reason, Silverman believed, Bridges ought to have been placed in a psychiatric hospital where he ought to have received mental health care. Rep. William Dannemeyer agreed with Silverman in calling Bridges "mentally ill." On the other hand, other panelists came to Bridges' defense. Diego Lopez, director of clinical services for the Gay Men's Health Crisis in New York, insisted that "all the institutions that failed him" victimized Bridges. Ibid.

<sup>69</sup> Howard Rosenberg, "'Frontline' AIDS Controversy: Documentary Makers' Relentless Focus on the Lethal Life Style of a Dying Fabian Bridges Puts Minneapolis Station and PBS in the Spotlight," *Los Angeles Times*, Mar. 27, 1986.

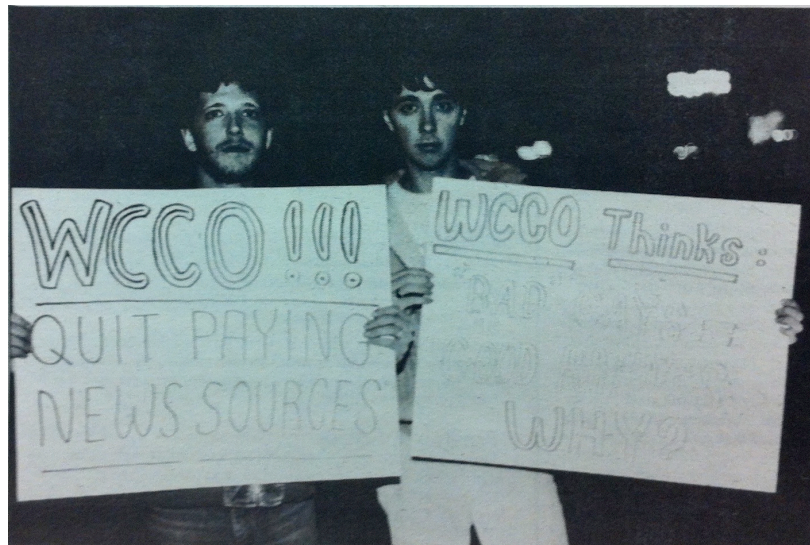
Even during filming, WCCO sustained criticisms for its actions. Just as the national media picked up the story of Bridges, a group of demonstrators—comprised of white gay leaders and their followers—picketed the WCCO headquarters in downtown Minneapolis to protest the station’s “unusual” involvement with Bridges. Protesters carried signs ranging from “WCCO SHAMEFUL CONDUCT,” to “SOME CANNOT PROTEST.” The Gay Rights Alliance (GRAM), a short-lived local organization, endorsed and organized the demonstration.<sup>70</sup> At the protest, a member of GRAM explained to *Equal Time* that he worried the media’s circulation of such negative PWHA images would foster a culture of anger and fear among the public that would lead directly to anti-gay hate violence, an “epidemic” in its own right as expressed by gay community activists (Figures 3.2-3.3).

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<sup>70</sup> Jeff Strand, Chairperson of GRAM, informed *Equal Time* that GRAM planned to make further inquiries to WGBH in Boston, which produced the PBS documentary series *Frontline*, and explore the possibility of further action through the Minnesota Press Council. Strand countered the news station’s humanitarian defense of the funds and gifts to Bridges. Strand explained, “WCCO is not a charity. They’re trying to hide behind the guise of humanitarianism when in fact their actions were to the detriment of a gay man with AIDS.” James Davies, “Protestors question WCCO’s methods, intent in AIDS story,” *Equal Time*, Nov. 13, 1985.



**Figure 3.2: Representatives from GRAM protesting outside WCCO-TV's headquarters in downtown Minneapolis. Image appeared in the Nov. 13, 1985 issue of *Equal Time*.**



**Figure 3.3: Representatives from GRAM protesting outside the WCCO-TV headquarters in downtown Minneapolis. Image appeared in the Nov. 13, 1985 issue of *Equal Time*.**

To offset WCCO's negative PWHA representation, white gay leaders countered such representations with what they deemed were more positive depictions of PWHAs

and gay men in general.<sup>71</sup> Following WCCO's local airing of the Bridges story, Brian Coyle, an openly gay Minneapolis City Council Member, and Gary Rankila, an attorney and Minneapolis Civil Rights Commissioner, appeared before a town hall-style meeting to discuss HIV-prevention. Because organizers of the event did not provide Coyle and Rankila with a preview of the program, the men agreed not to discuss the ethics of the film. Instead, the men accepted the invitation to the meeting to provide the public with "positive" representations of gay men. Speaking in regards to the meeting's organizers, Rankila told the gay press, "We rolled with their dice and played their game rather than to be ignored. We had a very sharp discussion [on the issue of ethics] (off camera) and decided to take part so *we could present a positive side about who gays are*" [emphasis added]. Although he chose not to sound off on WCCO's relationship with Bridges, Rankila used the meeting as a platform to highlight the positive racial, class, gender, and professional attributes of white gay men like himself and Coyle.<sup>72</sup> Rankila and Coyle attempted to circumvent the devaluing processes of homosexuality by pointing to other signifiers of value such as morality and respectability. While Rankila and Coyle were more strategic in their vocal opposition to the documentary (given their public status as elected officials and, thus, their relationship to city politics), other gay leaders were more forthright in their criticism of WCCO's ethics and involvement with Bridges.

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<sup>71</sup> WCCO responded to criticisms by maintaining filmmakers acted accordingly. In regards to the claim that the documentary circulated a negative representation of PWHA's, Mike Sullivan, WCCO Public Affairs Director and executive producer of the documentary, reiterated in an interview with *Equal Time* that anchorman, Dave Moore, in the introduction to the episode, "was extremely clear on the point" that Bridges was an unusual case. Lewis Cope, "WCCO documentary on alleged gay prostitute receives divided reviews," *Minneapolis Star and Tribune*, Mar. 21, 1986.; "Mixed reviews for WCCO documentary," *Equal Time*, Apr. 2, 1986.

<sup>72</sup> Coyle agreed with Rankila's reasoning in accepting the invite to appear in the town hall-style discussion. Additionally, Coyle believed the meeting provided an important venue for him and Rankila to bring up effective strategies to curb the spread of the AIDS virus. "Mixed reviews for WCCO documentary," *Equal Time*, Apr. 2, 1986.

In spring of 1986, following the day of WCCO's local broadcast, white gay leaders in Minneapolis held a joint press conference to publicly convey their disapproval of the *Frontline* episode. They argued that filmmakers "victimized a victim" while the episode left the public with mistaken images of PWHAs. Tom Agar, a steering committee member of the Minnesota Alliance Against AIDS (MAAA), the antecedent to the local chapter of ACT-UP, accused filmmakers of irresponsibly "contributing further to this society's irrational response to AIDS." He jeered, "We regret that uninformed viewers will be left with a mistaken impression that Mr. Bridges' reaction is typical." Agar added, "Broadcasting images like that of Fabian Bridges is equivalent to yelling 'Fire' in a crowded theater."<sup>73</sup> At that same press conference, Tim Campbell, editor of the gay-themed Twin Cities newspaper, the *GLC Voice*, questioned whether Bridges was even selling sex as the *Frontline* episode had strongly insinuated: "[Filmmakers] created a hooking...Typhoid Mary...where none existed."<sup>74</sup> Campbell suggested Bridges "manipulated" the WCCO crew to have them spend money on him for a hotel room, which Bridges used on admission to a bathhouse, and for a \$60 radio that Bridges listened to on-screen.<sup>75</sup> Both Agar and Campbell, along with a third speaker at the press conference, Eric Engstrom, executive director of the Minnesota AIDS Project,

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<sup>73</sup> Ibid.

<sup>74</sup> Campbell challenged WCCO's depiction of Bridges as a prostitute, calling the supposition "preposterous." Campbell explained, "I have known hundreds of male prostitutes or hustlers...Fabian had no characteristics in common with them. He was not flirtatious. He did not cruise. He was not particularly sensual. He has no record of arrest for prostitution. WCCO would have us believe that one year he held a \$19,000-a-year job and that he began a hustling career at about age 27." "Mixed reviews for WCCO documentary," *Equal Time*, Apr. 2, 1986.

<sup>75</sup> In an article appearing in the *New York Native*, Campbell accused the WCCO reporters for "pass[ing] this story on to the public officials around the country, [giving] their subjects money, radios, and promises of wheels—but no condoms!" Campbell claimed that the WCCO crew launched a storm of AIDS panic. Its reporters then "turned their cameras on all the parties whom they had just put into a frenzy." Tim Campbell, "AFRAIDS in Minnesota," *New York Native*, May 26, 1986.



condemned WCCO's "humanitarian" defense of their actions. The white gay leaders claimed that a \$15-a-night room was impossible to locate in Houston or Minneapolis—the exception being a bathhouse.<sup>76</sup>

WCCO's payments of cash and gifts to Bridges were contentious, generating charges that WCCO engaged in "checkbook journalism."<sup>77</sup> Claude Peck, co-producer of KFAI's Fresh Fruit Radio Show, a local gay-themed radio show, delivered an editorial on WCCO's questionable involvement with Bridges. Peck accused WCCO of committing "the lowest form of checkbook journalism." For Peck, the small amount of money—\$112 by WCCO's admission—given to Bridges was beside the point. What truly mattered was that filmmakers violated the protocol of investigative journalism "to uncover and investigate stories with public interest, not create them by bankrolling sources." In an interview with *Equal Time*, Peck underscored the disparity between Bridges, a homeless black gay man with AIDS, who lacked power in society, with the powerful media conglomerate of WCCO-TV. Like Agar and Campbell, Peck countered that WCCO's

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<sup>76</sup> At the joint press conference, Eric Engstrom, executive director of the Minnesota AIDS Project, focused on the information the documentary relayed. Engstrom was "pleasantly surprised overall" by the WCCO-TV documentary, in particular, by the amount of "good, sound information on AIDS" the hour-long town-hall style meeting that followed the documentary provided about AIDS. However, there were various pieces of misinformation that were publicly broadcast without a corrective. In the follow-up discussion, Dr. Mathilde Krim warned against kissing. She said there was no evidence confirming that kissing was immune to transmitting the virus. But she cautioned that one had to remain cautious. Also, during the documentary, the narrator did not comment on the fears of transmission through casual contact exhibited by Bridges' family, and authorities in Indianapolis who dropped the charges against Bridges on the condition he leave town immediately. Also, when Bridges informed the WCCO-TV crew that he engaged in unprotected anal sex with a man in Cleveland, the crew did not correct Bridges when he discounted that the man could have acquired the virus since he looked "healthy."

<sup>77</sup> According to the *Star Tribune*, checkbook journalism is the widely-condemned practice of paying sources for stories. The *Tribune* explained that paying money to a source such as Bridges could affect his behavior and encourage him to alter what he has to say, in turn, placing his credibility as a source in question. Throughout filming, the WCCO crew bought Bridges meals, a portable radio, had his laundry done, and paid his hotel bills "on the condition that he not have unsafe sex." When Bridges apparently broke this condition, WCCO notified health officials and police in both Cleveland and Houston. WCCO was conveniently there to record the public health and media circus that ensued in the wake of those revelations. Nick Coleman, "KSTP's arctic exclusive has foes howling," *Star Tribune*, May 6, 1986: 01C.

treatment of Bridges was not motivated by a humanitarian concern for a homeless man with AIDS but rather by a desire to obtain “pictures of a community in uproar.”

According to Peck, by “arming the enemies of gay people with half truths” about AIDS, WCCO fanned “the flames of anti-gay hysteria” at the center of a number of conservative agendas, including proposed policies to quarantine PWHAs.<sup>78</sup> Nevertheless, Peck, like other white gay leaders and AIDS advocates, focused his critique on WCCO’s negative representation of PWHAs. He believed that such images of PWHAs as contagious, irresponsible, and toxic instigated greater harm for PWHAs and gay men throughout the country.

White gay leaders and AIDS advocates rightfully pointed out the material consequences (i.e., anti-gay hate violence, anti-AIDS policies) that could arise out of the *Frontline* episode’s characterization of Bridges as a promiscuous homosexual that endangered public safety. The local gay and lesbian press played a significant role in circulating these critiques. Gay- and lesbian-themed newspapers, such as *Equal Time*, the *GLC Voice*, and *Twin Cities Gaze*, all provided a platform for gay leaders and AIDS advocates to openly critique WCCO and PBS. Even then, the coverage in the local gay and lesbian press focused mostly on emphasizing how Bridges was *not* like most cases of PWHAs. Although Bridges’ story offered an opportunity to discuss how social positionality rendered some individuals more susceptible to HIV/AIDS, white gay leaders, AIDS advocates, and the local gay and lesbian press chose not to tell this story. As I mentioned earlier, the *Frontline* episode did not so much as question the inertia of the government or the medical establishment’s response to HIV/AIDS. In fact, the subject

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<sup>78</sup> James Davies, “Protestors question WCCO’s methods, intent in AIDS story,” *Equal Time*, Nov. 13, 1985.

of President Ronald Reagan's administration delaying and, at times, criminally obstructing funding measures for medical care, research, and social services for PWHAs was barely broached in the documentary. The *Frontline* episode also did not correct the vast array of misinformation about HIV/AIDS offered by law enforcement and public health officials, and Bridges' family members. In spite of all these opportunities to critique filmmakers and the government, white gay leaders and AIDS advocates honed their critique on the representational implications of Bridges on other PWHAs and gay men.

The critiques leveled against WCCO and PBS by white gay leaders and AIDS advocates for the funds and gifts donated to Bridges reveal the symbolism behind Bridges' "unworthiness." Gay community activists were unable to ascribe value onto Bridges and his life choices because his behavior was construed as aberrant, delinquent, and illicit. As a gay man, Bridges did not perform his sexuality in proper, respectable ways that contested, mitigated, or vindicated his "deviance." For these critics, Bridges authenticated what conservative politicians and their constituents suspected—that HIV/AIDS was born out of personal shortcomings. Gay leaders and AIDS advocates did not so much as consider whether Bridges *should* have received assistance and care even if he did engage in sex work and frequented bathhouses. As I showed in chapter two, white gay leaders had begun employing a culture and politics of homonormativity to differentiate between worthy and unworthy gay victims of violence. Similarly, they applied this homonormative logic to determine which PWHAs were worth rallying behind. This politics of homonormativity was informed by an adherence to sexual monogamy, itself reflective of the neoliberal tenet of personal responsibility in the wake

of the HIV/AIDS epidemic, and by a race and class-based exclusivity. Together, they gave shape to racialized norms of sexual hygiene. Given his social positionality as a working-class black gay man who allegedly had sex for money, Bridges undermined such efforts to promote this newly consolidating homonormativity. Moreover, considering that Bridges allegedly squandered the funds donated to him on admission to a bathhouse, his consumer choices were even deemed irresponsible. For these reasons, white gay leaders and AIDS advocates could not recuperate his image to evoke public sympathy for the larger community of PWHAs and gay men. To do so would have required an intersectional approach to glean how structural factors positioned some individuals at greater risk for HIV/AIDS. Indeed, Bridges' limited life choices made abundantly clear that state agents, institutions, and structures were purveyors of violence, a fact that some white gay leaders were unwilling to reconcile given their investment in coordinating partnerships with the state (i.e. anti-gay violence activists' collaboration with police). Unwilling to reconcile the ideological challenges that Bridges' material reality posed to homonormativity, white gay leaders and AIDS advocates purposefully distanced themselves from Bridges so as to maintain a semblance of respectability and control over the media's representation of PWHAs and gay men.

In ascribing value to some PWHAs, white gay leaders and AIDS advocates attempted to bypass the devaluing processes of homosexuality by citing other signs and signifiers of value such as morality and respectability. They engaged in an exclusionary process of relational valuing that naturalized and universalized the normative criteria on which "worthiness" is ascribed in the United States: gender, sexuality, and domestic space—racialized norms of sexual hygiene. What Bridges' case illustrates is that efforts

to be included within populations deemed worthy, deserving, and valuable hinges on marginalized communities attempting to conform to those normative metrics deemed to be “universally American” and cemented as the “national family.” Nonetheless, this process of “ascribing legible, intelligible, and normative value is inherently violent and devaluing” because the “object” of value requires a negative referent. Writing in regards to the unexpected passing of her cousin, Brandon J. Martinez, social theorist Lisa M. Cacho describes how those around him were unable to ascribe value to his life because he was construed as “deviant,” “illegal,” and “criminal” not only by his race and ethnicity but also because “he did not perform his masculinity in proper, respectable ways to redeem, reform, or counter his (racialized) ‘deviancy.’”<sup>79</sup> Here, Cacho reminds us that racialized deviancy is often conjugated as gender and sexual nonnormativity. Like Bridges, Brandon’s life was not considered valuable because he was unable to achieve the milestones of heteronormative life. In late capitalism, life has become increasingly organized around “the universalized expectations of the family and its gendered roles in naturalizing private property (buying your first home), wealth accumulation (passing down inheritance), and the pleasures of domestic consumption (planning weddings and baby showers).”<sup>80</sup> When time and space are organized through heteronormativity and governed by American neoliberalism’s logic of capital accumulation, it is unfeasible to

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<sup>79</sup> Cacho juxtaposes the *San Diego Union-Tribune*’s representations of her cousin’s automobile accident with those of the fatal accident of San Diego Padres outfielder Michael Darr. Her analysis confirms that “facts” have little if anything to do with whose deaths are tragic and whose deaths are deserved. Cacho shows how the articles on Darr evoke public sympathy by representing his embodiment of heterosexual, white masculinity as socially valuable and by depicting his friends’ and family’s grief as universal. On the other hand, the article about her cousin and his friends arouses racial anxieties over criminalized youth and young men of color. While the stories on Darr facilitate public identification with his death, the article on Brandon and his friends do not encourage readers “to empathize with the car-crash victims nor with those who survived them.” Lisa M. Cacho, *Social Death: Racialized Rightlessness and the Criminalization of the Unprotected* (New York: New York University Press, 2012), 148.

<sup>80</sup> *Ibid.*, 165.

value lives as those of Brandon and Bridges. Brandon could not be fully valued through a politics of racial normativity because he defied normative investments in heteropatriarchy and American enterprise. Likewise, Bridges could not be valued through a politics of sexual normativity—homonormativity—because he undermined those investments in morality and respectability lauded by white gay leaders. When the lives of non-normative subjects are construed as illegible, unintelligible, and expendable, their erasure from their own communities becomes the more facile.

White gay leaders and AIDS advocates used a “politics of respectability” to vouch for the worthiness of some PWHAs and gay men. Promoting respectability politics has been one of the most significant strategies for upward mobility among marginalized communities in the United States as the extensive literature on African-American history attests. In *Righteous Discontent: The Women’s Movement in the Black Baptist Church, 1880-1920*, historian Evelyn Brooks-Higginbotham examines women in the black church during the period known as the “women’s era” and the “nadir” in American race relations: Jim Crow segregation. Brooks-Higginbotham argues that black women were vital to making the black church the most powerful institution of racial self-help in the African-American community.<sup>81</sup> This educated female elite promoted middle-class ideals and aspirations among the masses of blacks in the belief that such investments “ensured the dual goals of racial self-help and respect from white America.”<sup>82</sup> Brooks-

Higginbotham contends that the women of the black Baptist church, in teaching the

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<sup>81</sup> Leaders of the women’s black Baptist convention movement consisted of a burgeoning cohort of school administrators, journalists, businesswomen, and reformers who served an all-black community. Through the fund-raising efforts of these women, the black church built schools, donated clothes and food to poor people, established orphanages and nursing homes, and disseminated a number of needed social welfare services. Evelyn Brooks-Higginbotham, *Righteous Discontent: The Women’s Movement in the Black Baptist Church, 1880-1920* (Cambridge, MA: Harvard University Press, 1993).

<sup>82</sup> Ibid., 14.

importance of religion, education, and hard work, adhered to a “politics of respectability” that conflated public behavior with individual self-respect and the advancement of the black community as a whole.<sup>83</sup> Because these women were adamant that respectable behavior in public and in private would bestow upon African-Americans a modicum of respect from white America, they pushed the black lower class towards temperance, cleanliness of person and property, industriousness, thrift, refined manners, and Victorian sexual mores. A politics of respectability proved particularly effective for black churchwomen since it subverted the logic behind their racial subordination. In light of the crude stereotypes of blacks permeating popular culture and scientific racism, black women emphasized respectable behavior to convey alternate images of black women. Respectability, therefore, afforded black women, subjugated by racism and poverty, with an opportunity to reinforce *their* moral superiority over whites.

Although the politics of respectability comprised a counter-discourse to the practices of racism, it was aimed dually at white and black Americans, particularly at the masses of blacks that expressed rural comportments of speech, dress, and worship.<sup>84</sup>

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<sup>83</sup> Black Baptist women reviled what they perceived to have been the negative attitudes and practices of their community. As a result, their commitment in assimilation resulted in their demand that blacks conform to dominant society’s norms of manners and morals. Brooks-Higginbotham herself writes, “The politics of respectability emphasized reform of individual behavior and attitudes both as a goal in itself and as a strategy for reform of the entire structural system of American race relations.” Ibid., 187.

<sup>84</sup> In “Policing the Black Woman’s Body in an Urban Context,” Hazel V. Carby shows us that the indictment of “deviant” sexual behavior is not historically limited to dominant white agencies and institutions. Carby documents how the movement of black women in the early 20<sup>th</sup> century between rural and urban areas and between southern and northern cities ignited a series of moral panics that identified the behavior of uncontrolled, migrating black women as sexually degenerate and, thus, a threat to the advancement of the black middle-class. Carby argues that indigenous black institutions and organizations and the black middle-class equally participated in demonizing black female urban behavior as pathological. Carby reasons that the moral panic associated with the urban presence of uncontrolled black women became one way of responding to the many anxieties of social displacement and dislocation intensified by northern urban migration. For that reason, migrating black women could simultaneously be positioned as threats to “the progress of the race, as a threat to the establishment of a respectable urban black middle-class, as a threat to congenial black and white middle-class relations, and as a threat to the formation of

Black leaders and institutions engaged in a process called “secondary marginalization.” In her discussion of the political response to AIDS in African-American communities, *Boundaries of Blackness: AIDS and the Breakdown of Black Politics*, political scientist Cathy Cohen offers a detailed exploration of the ways in which black leaders and institutions understood and responded to the social and health crisis of the epidemic. Cohen argues that the political construction and response to the AIDS crisis in African-American communities reflects how black political leaders refused to define AIDS as a “consensus issue”—or a matter pertinent to the entire black community, deserving of community attention, resources, and response. They did this in an attempt to police the boundaries of acceptable blackness as it pertained to sexuality. As a consequence, in the initial stages of the epidemic, there appeared to be no major political activism from the black community in response to AIDS, despite the disproportionate number of African-Americans afflicted by the disease. Cohen insists that homophobia alone does not explain the response to AIDS in black communities. Instead, Cohen urges us to consider the role of non-normative, or “deviant,” sexuality in motivating the marginalization of African-Americans with HIV/AIDS—IV-drug users but, in particular, gay and bisexual men. Out of an attempt to protect the black community from the stigma associated with AIDS and homosexuality, and to safeguard collective claims to full incorporation and legitimacy, Cohen establishes that black elites mobilized an indigenous system of exclusion—

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black masculinity in an urban environment.” As the sexual scapegoats of this moral panic, migrating black women, particularly those who were alone, either single or, at least, without men, were believed to compromise the status and mobility of the black middle-class. On account of their supposed social danger, black migrating women were subjected to an intensified process of secondary marginalization, including social reform, from within the group. Hazel Carby, “Policing the Black Woman’s Body in an Urban Context,” *Critical Inquiry* 18, no. 4 (1992): 741.



secondary marginalization—to internally police and regulate the public behavior and image of African-Americans.<sup>85</sup>

The scholarship on black respectability politics helps us to more fully understand the genre of respectability politics coming from white gay leaders. As marginalized communities seeking inclusion within the state, both black leaders and white gay leaders engaged in a process of secondary marginalization. In prioritizing a politics of respectability, secondary marginalization upheld white America's hegemonic values of gender and sexuality. Under secondary marginalization, community elites are provided social mobility in exchange for policing, both literally and figuratively, the most resource-poor and alienated segments of their community. As community elites secure access and integration into dominant institutions through conformity to hegemonic norms of gender, sexuality, and domestic space, they acquire a level of control over state apparatuses, private resources, and indigenous institutions. Due to this position of power, community elites take on the role of internal regulators. Confronted with dominant scripts that cast them as inferior and (sexually) "other," marginal communities fashion an indigenous and oppositional group identity for the dominant, heteropatriarchal, and white gaze. Marginal communities, in other words, reconstitute their collective identity not necessarily by questioning the arbitrary nature of dominant categories of gender and sexuality but, rather, by reformulating their identity in opposition to the very same norms and values used to subjugate them. Through these efforts at redefining the boundaries of the collective for the larger public, community elites highlight those characteristics and

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<sup>85</sup> In Cohen's view, "Too often worried that highlighting the growing epidemic of AIDS would turn the spotlight on drug use, men having sex with men, and sex work in black communities, too many leaders, advocates, church people, and radicals were quiet about AIDS and only joined the discussion when forced." Ibid., 122.

contributions of marginal group members believed to be positive and in alignment with dominant values. This process of secondary marginalization, nonetheless, hinges on replicating rhetoric of blame and punishment. In attempting to portray the larger community as representative of dominant norms and values, community elites participate in the stigmatization and policing of group members engaged in behaviors thought to be deviant, destructive, and dangerous, oftentimes tied to sex.

Gay community activists engaged in a process of secondary marginalization in their response to the *Frontline* episode, which portrayed Bridges as a figure of overt and degenerate sexuality whose behavior lay outside moral boundaries. Admittedly, the *Frontline* episode illustrates the tremendous discursive weight that media-generated AIDS commentary and some portions of the political establishment placed upon the notion of promiscuity. AIDS commentary made an implicit slippage from homosexuality to promiscuity to AIDS. Considering this context, gay community stakeholders agonized that the general public and the political establishment would interpret Bridges' "deviant" behaviors as representative of *all* PWHAs and gay men. Community elites worried *Frontline's* depiction of Bridges would risk the hard-won access, mobility, and respectability of some gay men through the passage of sexually restrictive legislation, cuts in AIDS funding, and heightened anti-gay hate violence. Therefore, to circumvent being lumped together with the likes of Bridges who allegedly spread the virus on purpose and endangered the lives of "innocents," gay community activists implemented strategies of secondary marginalization. On the one hand, they distanced Bridges from the larger community of PWHAs and gay men by insisting that Bridges was not worthy of the funds and gifts donated to him by filmmakers and by agreeing with public health

officials and law enforcement authorities that Bridges was, in fact, an “abomination.” On the other hand, gay leaders and AIDS advocates conveyed alternate images of gay men that openly embraced a politics of homonormativity—the raced and classed politics of sexual respectability burgeoning under the neoliberal shifts of the country’s political economy. These images, rooted in a set of racialized norms of sexual hygiene, invalidated stigmatized representations of gay men as promiscuous, immoral, and deviant that were then being disseminated throughout dominant channels. Gay community stakeholders insisted that “proper” and “respectable” behavior confirmed for dominant state agents and institutions that gay men were worthy of equal civil rights and political rights, something they believed could not be argued if gay men were seen as promiscuous.

Those in positions of power within the gay community not only mobilized homonormativity to challenge charges of gay immorality; they also used it in winning sympathetic white heterosexual allies. Homonormativity, thus, functioned as what Brooks-Higginbotham calls a “bridge discourse” that mediated relations between the gay middle-class and dominant state agents and institutions. As my analysis also suggests, the fear and regulation of prostitutes of color with AIDS, irrespective of sexual orientation, signified one of the strongest ties between gay rights interests and mainstream agencies and institutions. Prostitutes of color with AIDS were doubly situated as threats to the progress of the gay community, one committed to the establishment of a respectable urban middle-class, and to the relations between heterosexual and gay interests. Gay leaders regulated these alleged public health threats in an attempt to improve relations between themselves and dominant institutional actors. Owing to the fact that issues of sexual hygiene figured prominently in the discourse of respectability, the gay middle-

class defined its social position by emphasizing its difference from people of color. In so doing, gay leaders and AIDS advocates, however, inadvertently attributed social inequality to the mere nonconformity of social norms. This approach, in turn, foreclosed a critique of structural inequality's crucial part in abetting the AIDS pandemic—not to mention that it also naturalized categories of race and sexuality as discrete formations without any overlap.

Due to their failure to employ an intersectional analysis in their response to the *Frontline* episode, white gay leaders and AIDS advocates were unable to articulate how Bridges' life choices were systematically constrained by structural racism and material inequality. Instead, they "privatized" Bridges' AIDS diagnosis as the result of his irresponsible decisions and pathological desires. In their move to protect the public image of the group while erasing Bridges as a deviant subject who engaged in sexually irresponsible behavior, gay community activists missed an opportunity to critique the Reagan administration for its criminal passivity on the epidemic. Likewise, they gave further credence to the belief that AIDS was the result of individual shortcomings. Without an overt understanding of inequality's roots in structures, respectability's emphasis on individual behavior enabled gay community activists to cast blame on individuals—like Bridges—for their own marginalization. As a formulation that neatly aligned with the cultural tenets of neoliberalism, this politics of respectability emphasized a discourse of personal responsibility over broad structural changes. To circumscribe the "questionable" sexual practices of some gay men and to transform their behavior under the premise of advancing the gay community as a whole, white gay leaders and AIDS

advocates upheld the social structures and symbolic representations of white heteropatriarchy.

My investigation into patterns of secondary marginalization within gay communities cautions us that the policies of any marginal group must rely upon more than a single-axis approach to liberation lest it reduce the effectiveness of its political mobilization by merely replicating the mechanisms of state power. In this case, although a politics of respectability challenged homophobic characterizations of gay men, it failed to demand broad structural changes in American laws and institutions. By prioritizing and promoting only those issues and members believed to enhance the public image of the group, community elites rendered invisible those other issues and members feared to threaten the newfound, precarious status of the group, oftentimes the most vulnerable within the group. For some community elites, there were some lives that were salvageable and then there were those that were simply beyond redemption.

### **The Specter of Racial Miscegenation.**

The case of Bridges exemplifies how public health officials and law enforcement authorities colluded to publicize that the supposed predilection to vice by prostitutes of color was predetermined by culture, not a symptom of economic need or chemical dependency. To accentuate this claim, mainstream media and the political establishment recycled images and messages that cast racialized sexuality as inherently immoral and intrinsically dangerous to a white American social and political order. These depictions of people of color as objects of fear are narratively meaningful for their historical particularity. The media portrayal of Bridges as sexually dangerous did not operate in a

vacuum; it was a representation of the black body behaving in threatening ways according to historically prescribed patterns.

In its characterization of Bridges as a dangerous criminal roaming the streets of America, the *Frontline* episode insinuated that Bridges was a full-blown prostitute, a mobile one that. Although the evidence to confirm such a claim was lacking, by the mere virtue of his racialized status, this insinuation forced the audience to consider how many *other* AIDS-stricken prostitutes of color were allegedly lurking in the shadow of the night. The *Frontline* episode's depiction of Bridges as a prostitute with AIDS, thus, fulfilled an ideological imperative: to elicit public fear that Bridges, and others like him, remained sexually active. Branding the racialized poor, especially women and queers, as prostitutes made them identifiable, legible, and readable for state interference—in particular, for health regulations and police harassment.

Depictions of PWHAs as “desperately ill and grotesquely disfigured...wasted to fleshless ethereal bodies,” such as those of Bridges, are what Crimp describes as “*phobic* images” or images at “the terror at imagining the person with AIDS as still sexual.”<sup>86</sup> Crimp argues that these images are not designed to assuage the public's fear of disease and death, or to necessarily reinforce the association of PWHAs with victimhood or pariah status. Instead, these phobic images are mobilized to incite public terror that PWHAs can *still* remain sexually active and, thus, transmit the virus to unsuspecting victims.<sup>87</sup> Per this logic, the *Frontline* episode presents Bridges as a visibly debilitated

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<sup>86</sup> Crimp, “Portraits of People with AIDS,” 106.

<sup>87</sup> One of the ways in which the media manipulate public fear of PWHAs as sexually active is through the use of before-and-after images of PWHAs. Gever observes that media represents sexual deviances through physical deformities. A prime example is Kenny Ramsaur whose before-and-after images dominated the pages of British tabloid *Sunday's People*. According to Gever, Ramsaur's photos suggest a tradition of

and pathetically ill sexual being to stoke public fears over the continued sexuality of PWHAs. Giving further credence to this claim is the fact that throughout the country, public health officials, law enforcement authorities, and politicians sought to explicitly circumscribe Bridges' sexuality.

Filmmakers emphasized the difficulty policymakers across Indianapolis, Cleveland, and Houston encountered when dealing with Bridges. In one particular scene, towards the end of the episode when Bridges returns to Houston, the Public Health Commissioner of Houston, with fear and loathing in his voice, warns: "Fabian was only diagnosed last April. He might live another two years, and furthermore this person is in remission now. He's not demonstrating any signs of illness!" The commissioner was alarmed that Bridges did not show any physical manifestation of his infection that would deter his would-be sexual partners. The commissioner also lamented that Bridges would probably "live another two years," time during which he might infect others.<sup>88</sup> The *Frontline* episode's portrayal of Bridges as lifeless and deformed, yet still sexually active, symbolized a deeper public anxiety, rooted in homophobia, that PWHAs would infect the general population of suburban, white heterosexual women and children.<sup>89</sup> Disease itself

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deviance in which nature's punishment is visible through physical deformity. Gever elaborates that Ramsaur's photos are treated as "the grotesque product of insidious viruses and unnatural sexual practices, whose portrait is meant to serve as an icon of moral decay." Gever, "Pictures of Sickness," 124.

<sup>88</sup> Filmmakers used the trope of the sexually promiscuous PWhA to introduce Bridges to the audience. In the opening to the documentary, host Judy Woodruff, described Bridges as "a man with AIDS who continued to be promiscuous."

<sup>89</sup> If media did not portray PWHAs as sexual beings, they would depict PWHAs as de-sexed individuals but not necessarily to assuage the public's fears. Rather, by representing PWHAs as asexual individuals, media representations denoted a loss of optimism. Crimp reveals that portraits of PWHAs were designed to reinforce hopelessness. Whenever media portrayed a PWhA conveying words of optimism, he or she would subsequently be revealed to have died. Therein lied a "comfortable fantasy," according to Crimp, that AIDS would signal the demise of gay promiscuity or gay sex altogether. Crimp, "Portraits of People with AIDS,"

or anti-homosexual sentiment alone, however, were not the sole roots of these public concerns.

More precisely, racial miscegenation, itself a proxy for white economic anxiety, underwrote the demonization of PWHAs and the subsequent criminalization of HIV transmission in the 1980s. As the state ushered in an era of neoliberal multiculturalism in which some people of color accessed dominant institutions long denied to them, white Americans perceived a loss in prominence.<sup>90</sup> White Americans' fear of HIV/AIDS was, in fact, symptomatic of deeper social anxieties fueled by shifts in the political economy of the United States. Accordingly, we can treat the moral panic associated with HIV/AIDS as a concerted attempt to restore white supremacy. The passage of draconian public health measures intended to constrain the movement of "non-compliant" PWHAs underscores attempts at the re-entrenchment of white supremacy. Officials primarily enforced these measures against people of color, including the homeless and sex workers. Whether or not those criminalized under these statutes were more likely to intentionally spread the virus is a moot point. By sheer virtue of being people of color, their sexuality was always already perceived as deviant, in excess.<sup>91</sup> Forasmuch as HIV could be transmitted to one another without the knowledge of those involved, racialized physical features and behaviors became indicators of the virus. In that fashion, the HIV/AIDS epidemic, by equating the virus with racialized sexual deviance, intensified notions of racial difference. This is partly the reason the mainstream media often portrayed the

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<sup>90</sup> Jodi Melamed, *Represent and Destroy: Rationalizing Violence in the New Racial Capitalism* (Minneapolis, MN: University of Minnesota Press, 2011).

<sup>91</sup> People of color were also more likely to come into contact with public health officials and law enforcement authorities given the history of disproportionate policing of communities of color.



racialized poor as prostitutes. As I show below, racialized discourses of sex workers of color as contagious, dangerous, and toxic became a rallying point for public health officials, law enforcement authorities, and urban policymakers in passing new communicable disease laws designed to “cleanse” the public sphere and body politic of deviance, immorality, and vice.

Throughout the country, the public became increasingly alarmed over prostitutes with AIDS allegedly spreading the virus. Mainstream media exacerbated these fears by offering sensational stories of prostitutes, mostly homosexuals and people of color, having sex with white heterosexual men who would then go on and infect their wives and unborn children. Prostitutes of color were situated as threats to the fitness and health of the nation. Although most public health officials assured the public that the virus was not transmitted via casual contact, they continued to endorse policies designed to regulate non-compliant AIDS carriers. Public health officials regarded sex workers as a “bridging” population carrying the virus towards white suburban wives and children. In New York City, by May of 1985, non-homosexual drug users—a significant number of whom were sex workers—represented 26 percent of the city’s then-AIDS cases. As a result of the increased number of AIDS detected among heterosexual drug users and sex workers, several noted doctors within the field called for immediate action. Dr. Arye Rubinstein of the Albert Einstein College of Medicine warned that New York City “urgently” needed sex education for “city teenagers” since this population had their first sexual contact with possible AIDS carriers. Rubinstein suggested that “city teenagers,” a moniker for black and Latinx youth, were not only having sex at a younger age, but they were also having sex with prostitutes and IV-drug users. Unfortunately, Rubenstein was

not the only prominent doctor to make such outlandish claims. In an interview with the *New York Native*, a gay-themed newspaper, Dr. Mathilde Krim of the Memorial Sloan-Kettering Cancer Center forecasted that widespread heterosexual transmission could be the next stage of the epidemic.<sup>92</sup> Krim expressed concern over the national implication of AIDS in prostitutes. She forewarned, “In my opinion, it is out already. Think of all the salesmen who come to spend a weekend [in New York City] and go back to Cincinnati to their wives and families. It’s scary.”<sup>93</sup> Krim’s comments attest to the general perception that AIDS was an “urban” disease transmitted unidirectional from the city to the suburb. Her comments also placed the onus on preventing HIV transmission on urban sex workers, not those “salesmen” from “Cincinnati” (read: white middle America). While prostitutes of color became associated with disease, white married men were pictured as passive victims of the danger and depravity of these deviant figures. That Krim alluded to “salesmen” also implies concerns regarding the threat that prostitutes of color posed for the economic wellbeing of the nation. Together, Krim and Rubinstein’s rhetorical maneuvers point to the use of metaphor to signify the racialized anxieties of the HIV/AIDS epidemic.

Admittedly, people of color *were* disproportionately overrepresented in AIDS cases. The Centers for Disease Control reported that 25 percent of the 24,576 cases of AIDS reported to it through September 9, 1986, were identified in black people, who comprised only 12 percent of the U.S. population. Similarly, 14 percent of people with

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<sup>92</sup> Dr. Mathilde Krim was the founding chairman of amfAR, the American Foundation for AIDS Research, in September of 1985. The non-profit organization was founded in support of AIDS research, HIV prevention, treatment education, and the advocacy of AIDS-related public policy. Actress Elizabeth Taylor was co-founder of amfAR.

<sup>93</sup> “News Digest: Prostitute, AIDS link feared,” *Equal Time*, May 1, 1985.

AIDS were “Hispanics,” who comprised up to six percent of the U.S. population.<sup>94</sup>

Communities of color were more susceptible to HIV/AIDS for a number of reasons.<sup>95</sup>

Although the epidemic was shaped by the racial disparities of society, some public health officials and most conservative politicians hypothesized that communities of color were overrepresented in the epidemic due to sexually licentious behaviors. They deduced that people of color were simply less likely to regulate their sexual behaviors in accordance with public health bulletins. For these critics, AIDS was a behaviorally acquired disease.<sup>96</sup>

In the Twin Cities, the racial disparities in AIDS diagnoses were even starker. Although African-Americans comprised three percent of the population in the Twin Cities, they made up 10 percent of the 200 or so cases reported to the Minnesota Department of Health (MDH) by August of 1987. In an interview with the *Star Tribune*, chief state epidemiologist Michael Osterholm acknowledged that it was difficult to speak openly about the pattern of sexual practices among people of color without coming across as “racist.”<sup>97</sup> Still, in explaining the disproportionate rate of AIDS among communities of color in the Twin Cities, Osterholm referred to cultural practices. He attributed the

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<sup>94</sup> “Ratio of AIDS in Hispanics, blacks noted,” *Minneapolis Star and Tribune*, Oct. 24, 1986.

<sup>95</sup> Among children with AIDS, the numbers were more staggering. In the summer of 1987, about 80 percent of AIDS cases in children were diagnosed in African American or Hispanic children. “AIDS conferees urge no-nonsense campaign,” *Minneapolis Star and Tribune*, Aug. 09, 1987.

<sup>96</sup> The mode of transmission differed according to race and class. The CDC estimated that intravenous drug use or heterosexual transmission accounted for 45 percent of all AIDS cases among African Americans and 39 percent among Hispanics. However, only 6 percent of AIDS among whites could be attributed to intravenous drug use or heterosexual transmission. Among whites, most AIDS cases had been identified in gay or bisexual men. Ibid.

<sup>97</sup> Even if such talk sounded racist to some, Osterholm opined that it was necessary to have such a frank discussion. He told the *Tribune*, “Five years from now society will tend to think of the people who knew of this problem and said nothing as having been unintentionally racist.” For Osterholm, racism was allowing the epidemic to advance in communities of color without publicizing how the sexual practices of people of color rendered them vulnerable. Lewis Cope, “Twin Cities AIDS cases are higher among blacks,” *Minneapolis Star and Tribune*, Aug. 7, 1987.

“relatively high rates of sexually transmitted diseases,” including gonorrhea, among African-Americans in Minnesota to multiple sexual partners.<sup>98</sup> With multiple sexual partners, Osterholm deduced, people increased their chances of acquiring HIV. To substantiate this theory, Osterholm pointed to the “high rate of out-of-wedlock births among blacks” as reflecting the type of early age sexual activity that resulted in a heightened risk for sexually transmitted diseases.<sup>99</sup> Like Rubenstein, Osterholm concluded that because African-Americans allegedly had sex at a younger age, and with multiple partners, they put themselves at greater risk for the heterosexual spread of HIV. Osterholm, thus, ascribed AIDS in communities of color to a supposed cultural predilection to sexual vice. He did not consider the role of structural racism, material inequality, or the government’s policy of benign neglect as playing a significant part.<sup>100</sup> Ascribing HIV/AIDS among the racialized poor to a cultural predilection to sexual vice

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<sup>98</sup> In 1986, the Minnesota Department of Health identified 5,046 cases of gonorrhea. Forty-five of those cases were identified in African Americans. And many of these gonorrhea cases were diagnosed in black gay men. Ibid.

<sup>99</sup> The *Star Tribune* reported that the out-of-wedlock birth rate in Minnesota was five times higher for African Americans than for whites. Ibid.

<sup>100</sup> Public health officials also attributed intravenous drug use as a factor in the disproportionate rate of AIDS among people of color. The CDC estimated that about 40 percent of the cases in African Americans and Hispanics involved needle-sharing drug use. The spread of the AIDS virus among IV-drug users was particularly evident in New York, New Jersey, and Florida. In the summer of 1987, New York City accounted for one-third of all AIDS cases. Thirty-six percent of the city’s cases were identified in IV-drug users. Public health officials estimated that at the time over half of the city’s 200,000 addicts were infected with the AIDS virus. Even though IV-drug use played a significant role in the rates of AIDS among people of color in the rest of the country, in Minnesota this was not the pattern. (The rate of heterosexual transmission in Minnesota remained below the average compared to the national average because drug-related cases of AIDS were also relatively minor. Officials attributed the low incidence of AIDS among IV-drug users in Minnesota to a state law that allowed pharmacists to sell “clean” syringes and needles without prescriptions.) In the summer of 1987, 29 of the then-222 confirmed cases of AIDS in Minnesota had been documented in people of color. Twenty-two had been diagnosed in African Americans. Six had been reported in Hispanics and one had been documented in “a person of Asian descent.” And most of the cases of AIDS in people of color in Minnesota had been diagnosed in gay or bisexual men. Only three of the state’s 222 AIDS cases had been attributed to the heterosexual spread of the virus; one of which was identified in an African American. George Will, “Don’t trim the truth about AIDS,” *Minneapolis Star and Tribune*, Jun. 5, 1987.; Lewis Cope, “Twin Cities AIDS cases are higher among blacks,” *Minneapolis Star and Tribune*, Aug. 7, 1987.; Rob Hotakainen, “Ways to limit AIDS in drug users pondered,” *Star Tribune*, Feb 3, 1988.

operates in the service of neoliberalism by disavowing systemic inequality and negating state accountability. Given the racist assumptions that people of color harbored a cultural predilection to sexual vice, public health officials and conservative politicians were particularly uneasy about prostitutes of color with AIDS in the context of interracial sex. The policies and practices they implemented to constrain the movement of sex workers stemmed from turn-of-the-century measures designed to protect the public health from foreign foes.<sup>101</sup>

The medical belief that HIV was a disease of racial deviance required the social and sexual isolation of prostitutes of color from the general public (read: white Americans). In the 1980s, as officials and politicians conflated homosexuality with promiscuity, venereal disease, and the threat to the nation's health, discussion over when and how to isolate PWHAs from the rest of society emerged. Between 1985 and 1987, nine states amended their old quarantine laws or passed new laws conferring health officials with the power to segregate "non-compliant" AIDS carriers who endangered the public health. Owing to the fact there was not one general consensus on how to most effectively deal with the epidemic, the laws differed significantly. In Colorado, legislators passed a statute that provided up to three months of isolation. On the other end, North Carolina passed a law that authorized health officials with the power to limit indefinitely the "freedom of movement or action" of people with a communicable disease. Still, other

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<sup>101</sup> At the turn of the twentieth century, at the same time as anxieties over Eastern and Southern European immigrants reached a boiling point, legislators in every state authorized health officials to combat contagious disease by enforcing quarantine and imposing whatever measures were deemed necessary to protect the public health of white Americans. Under these laws, a health official could confine an infected individual to his or her home, close his or her business, or place him or her in an isolation ward. Health officials used quarantine laws primarily to fight off contagious diseases such as tuberculosis and typhoid. However, these laws were also used against prostitutes suspected of carrying venereal diseases. Tamar Lewin, "Rights of Citizens and Society Raise Legal Muddle on AIDS," *New York Times*, Oct. 14, 1987.

states implemented laws outright criminalizing the transmission of HIV. Alabama, Florida, Idaho, Louisiana, and Nevada passed laws that made knowingly transmitting the virus a crime. Under Alabama's new law, those who conducted themselves "in a manner likely to transmit" a sexually transmitted disease faced criminal sanctions. Meanwhile, in Nevada, prostitutes who sold their sexual services after learning they tested positive for HIV faced charges of attempted murder. Some gay leaders and AIDS advocates opposed these laws for a number of reasons.<sup>102</sup> They suspected that these laws would be selectively used against certain populations. Nan D. Hunter, the lawyer who headed the ACLU's AIDS Projects, reported that these laws would be "a setup for selective enforcement against prostitutes and homeless people."<sup>103</sup> Since these laws impacted mostly people of color, HIV criminalization laws became another means of regulating interracial sexual contact. Being that prostitutes of color with AIDS allegedly poisoned and undermined the health of the nation and its economic prosperity, their removal from everyday social relations was deemed socially justified.

HIV criminalization laws—neoliberal manifestations of bygone miscegenation laws—were intended to confine sexual relations within racial lines, ensuring racial purity. Public health officials and law enforcement authorities had mostly enforced individual quarantine orders against male and female prostitutes, most of them homeless and the

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<sup>102</sup> Quarantine, however, was not a viable option given the characteristics of AIDS. Civil liberties activists, gay leaders, and AIDS advocates argued that although AIDS was not easily transmitted, its carrier remained infectious for life; there was no cure. Under quarantine laws, PWAs would have had to be confined for the entirety of their lives. Critics claimed that quarantine, and its sister laws of mandatory testing, contact tracing, and criminalization of HIV transmission, would not curb the rates of AIDS. Rather, they favored greater AIDS education and more aggressive intervention. In Minneapolis, white gay and lesbian elected officials, including Brian Coyle, Allan Spear, and Karen Clark, all endorsed non-compliant statues much to the dissatisfaction of sex-positive, queer activists. Tamar Lewin, "Rights of Citizens and Society Raise Legal Muddle on AIDS," *New York Times*, Oct. 14, 1987.

<sup>103</sup> Ibid.

vast majority people of color. On January 2, 1987, the *New York Times* chronicled the arrest of James H. McIntyre, a 28-year-old “homosexual prostitute” with AIDS from Jackson, Mississippi. The *New York Times* described McIntyre as someone who dressed in women’s clothes and sought men with whom to have sex.<sup>104</sup> On the night of his arrest, McIntyre was in the presence of a well-known, “married, white, gray-haired and overweight” businessman in the state capital.<sup>105</sup> To confirm that no one was truly safe, that McIntyre could have even slept with one’s husband, the *New York Times* divulged that McIntyre had been arrested more than 60 times for street prostitution, with his clientele being “diverse,” including “married and single men, black and white men, young and old.” Like Bridges’ case, authorities in Jackson, Mississippi debated how to best address the supposed danger that McIntyre posed. (Also, like Bridges, authorities had originally provided McIntyre with a one-way ticket to his hometown in California. But he returned.) The police chief was reluctant to keep McIntyre in the all-male environment of jail or prison for fear of spreading HIV so he placed him in isolated confinement, like Bridges as well.<sup>106</sup> If prosecution failed, the state epidemiologist vowed to use the state’s quarantine law, “one of the nation’s strongest.”<sup>107</sup> After a grand

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<sup>104</sup> In an interview with the *St. Petersburg Times*, McIntyre, “wrapped in an old fur coat as he sat on his dank mattress in the Jackson City Jail,” denied charges leveled against him and questioned his AIDS diagnosis. “I’ve been told that I have the AIDS virus, but not AIDS,” he said. “But I don’t feel like I have anything.” The *NYT*’s exposé portrayed McIntyre as someone who lacked awareness over his diagnosis, as he did “not seem to understand the implications of the virus he carrier or the need to avoid sexual contact with others. Dudley Clendinen, “Dilemma For Southern Prosecutors: Streets or Prison For Aids Carrier?” *New York Times*, Jan. 2, 1987.; Dudley Clendinen, “Southern prosecutors face dilemma on AIDS,” *St. Petersburg Times*, Jan. 4, 1987.

<sup>105</sup> McIntyre was charged with “unnatural intercourse,” a sodomy charge. If convicted for sodomy, a felony charge, McIntyre could have faced as much as 10 years in prison. Dudley Clendinen, “Dilemma For Southern Prosecutors: Streets or Prison For Aids Carrier?” *New York Times*, Jan. 2, 1987.

<sup>106</sup> The state’s assistant District Attorney did not believe any workable plan would encourage McIntyre to alter his behaviors as “[t]he guy is obviously not going to quit doing what he does.” *Ibid*.

<sup>107</sup> The state quarantine law in Mississippi read: “The State Department of Health shall have the authority to investigate and control the causes of epidemic, infectious and other diseases affecting the public health,

jury refused to indict McIntyre on sodomy charges, McIntyre was ordered to not engage in sexual relations without informing his prospective partners of his HIV-positive status.<sup>108</sup> He was also barred from donating blood.<sup>109</sup> In spite of the harsh nature of these punitive measures, McIntyre's case was not an isolated instance of public health officials and law enforcement authorities collaborating to regulate the movement of prostitutes.<sup>110</sup>

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including the authority to establish, maintain and enforce isolation and quarantine, and ... to exercise such physical control over property and individuals as the department may find necessary for the protection of the public health." Although the state epidemiologist, Dr. Ed Thompson, insisted that the quarantine law was one of the strongest in the country, he believed the quarantine process to be cumbersome and ineffective, as it was not designed to regulate adult sexual activity. Instead, Thompson advised that McIntyre be prosecuted and imprisoned for having broken the state's sodomy law. Thompson warned the public, "Having sex with any prostitute, especially a male prostitute, is taking your life in your hands." When speaking on ways to address prostitutes with AIDS, Thompson cited the case of Fabian Bridges. Thompson pointed out that the problem of this infected male prostitute was resolved when Bridges died of AIDS. Dudley Clendinen, "Southern prosecutors face dilemma on AIDS," *St. Petersburg Times*, Jan. 4, 1987; Dudley Clendinen, "World's oldest profession meets man's latest terror," *Chicago Tribune*, Jan. 12, 1987: 16.

<sup>108</sup> White gay leaders in Jackson, Mississippi, were likewise unsympathetic to McIntyre. The *New York Times* interviewed Eddie Sandifer, executive director of the Mississippi Gay Alliance who accused McIntyre of "selling death." Sandifer seized the opportunity to criticize gay men who continued to be sexually promiscuous even as they carried the AIDS virus. Sandifer disclosed that these gay men would seek out the Gay Alliance for resources, yet he and other staff members would see "these people going to the bars and the bookstores every night picking up tricks." For Sandifer, the differences between McIntyre and other gay men were minute. He explained, "I don't think that what this guy in jail was doing is any worse than what a lot of other people are doing. The only difference is that he is getting paid for it." Like Coyle, Sandifer attributed the spread of HIV to "irresponsible" gay male sexuality. Dudley Clendinen, "Dilemma For Southern Prosecutors: Streets or Prison For Aids Carrier?" *New York Times*, Jan. 2, 1987.

<sup>109</sup> Fear of AIDS-contaminated blood similarly swept throughout the country. In Los Angeles, Edward Joseph Markowski, a "homosexual prostitute with AIDS," was charged with attempted murder for selling his "AIDS-tainted blood." In Minneapolis, an inmate who tested positive for HIV bit two guards. In June of 1987, he was convicted of assault with two deadly weapons—his mouth and his teeth. "The Debate: Stopping AIDS; We need medical laws to fight AIDS," *USA Today*, Jul. 6, 1987.

<sup>110</sup> In Florida, authorities invoked the state's 1986 quarantine law to confine a sexually active 14-year-old boy with AIDS. On June 5, 1987, a court ordered the boy be isolated in a state mental hospital in Pensacola, Florida. However, soon after, the Florida Health Department withdrew its order, citing it had made a mistake. In July of 1987, Wendy Blankenship, a 19-year-old sex worker with AIDS was sentenced to a year in jail, the maximum sentence for violating probation terms imposed after an earlier conviction for lewd and lascivious behavior. In its October 14, 1987 issue, the *New York Times* presented the story of Stephanie Smith, an African American drug user and sex worker in Fresno, California, to illustrate the "hardest questions" facing state legislators between respecting the civil liberties of PWHAs and protecting the public health. The *New York Times* reported that people in Smith's drug treatment program shunned her after learning she was HIV-positive. Believing there was no point in fighting her drug addiction if she was dying of AIDS, Smith abandoned treatment. The *New York Times* interviewed a health official counseling Smith who tracked her down to the streets. Upon learning that Smith "wasn't taking precautions and... wasn't cleaning her needles," the health official phoned the police who arrested Smith as she solicited a truck driver. Smith pleaded guilty to soliciting prostitution, entered and left another drug



To the extent that HIV contaminated the middle-class nuclear family ideal and transgressed upon the already crumbling boundaries of race and nationality, HIV criminalization laws were harnessed to secure the social and sexual banishment of prostitutes of color from the public sphere. In Minnesota, state health officials were similarly confronted with cases of non-compliant prostitutes with AIDS. In one case, state health officials learned of the prostitute's "high-risk" behaviors only after her death. In the fall of 1986, Phyllis Olson, a Native American "gay prostitute," was found murdered on a footbridge in downtown Minneapolis. The *Star Tribune* published that Olson had tested positive for HIV, after the Minneapolis Police Department "leaked" the information.<sup>111</sup> Because Olson worked as a "straight prostitute," her case greatly alarmed the public. Olson "passed" as a woman and her clients were primarily heterosexual, white married men. The local press explicitly linked her case to that of Bridges to show the imminent danger that sex workers posed for white Americans. In an article on her death, the *Star Tribune* wrote, "City and health officials have been looking for legal ways to get transient AIDS cases off the streets since the publicized case of the late Fabian Bridges, a

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treatment program, and was subsequently imprisoned for violating probation. The health official confessed to the *New York Times* that she worried Smith would continue to engage in sex work upon her release: "California needs to decide what we're going to do with these people. There's talk about quarantine, but you quarantine someone until they're no longer infectious and AIDS last for life. And where are they going to put her? She doesn't even have a place to live." Smith's case not only symbolized deeper anxieties about how to best approach the AIDS crisis, as an illness requiring compassion or as a threat demanding punishment. It also underscored how public health officials and policymakers lacked an awareness of the link between structural racism, material inequality, drug abuse and the spread of the AIDS virus. What Smith desperately needed was shelter and a steady source of income, an awareness that officials could not glean without an intersectional lens. Tamar Lewin, "Rights of Citizens and Society Raise Legal Muddle on AIDS," *New York Times*, Oct. 14, 1987.

<sup>111</sup> While disclosing information about Olson's activities on the night of her death and Olson's prostitution arrests, homicide detectives reportedly revealed to the press that Olson had tested positive for HIV antibodies. Detectives hoped that by disclosing Olson's HIV status, people who had information about her death would come forward. Local daily newspapers and television stations emphasized Olson's HIV status in their reporting. Some of the stories even speculated whether Olson might have been engaging in prostitution and unsafe sex on the night she was killed, therefore, suggesting the necessity of her death. Jim Schroeder, "HIV press leak sought," *Equal Time*, Oct. 29, 1986.

gay outcall service worker who said he had infected hundreds of customers with AIDS in Cleveland.” Bridges, however, never worked as a “gay outcall service worker” and he never admitted to having sex with more than six men while being an AIDS carrier. Nonetheless, by tying Bridges’ case to that of Olson’s, the *Tribune* exaggerated the danger that sex workers posed for their clients. The *Tribune* did not focus on Olson’s death to investigate who killed her, but to generate support for laws that criminalized carrying and transmitting HIV.<sup>112</sup>

Before Olson’s murder, the Minnesota Department of Health had been aware of two instances of prostitutes with AIDS: Rea Robinson and Stan Borrman.<sup>113</sup> Both of

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<sup>112</sup> Julie Gravelle and Kevin Diaz, “Transient found slain had tested positive for AIDS,” *Minneapolis Star and Tribune*, Sep. 24, 1986.

<sup>113</sup> Although bisexual men who sought the services of sex workers were the links between prostitutes and suburbia, authorities relegated blame almost entirely onto prostitutes of color. The case of Minneapolis Men, an escort service, shows us how health officials and law enforcement prioritized the safety of white, heterosexual suburban families to the detriment of prostitutes of color. On March 26, 1986, a week after its initial broadcasting the Fabian Bridges story, WCCO-TV broke the story of a second alleged prostitute. This time around, the male prostitute in question was local; he worked for the escort agency, Minneapolis Men. Stan Borrman, a 29-year-old white male prostitute who had been carrying the virus for at least two years, contacted WCCO about practicing unsafe sex with his clients while knowing he carried the AIDS virus. Borrman recounted that over the previous seven years he might have exposed as many as 1,000 men, most of them bisexual married men from suburban Minnesota. Borrman’s revelations prompted widespread panic that “organized prostitution” was transmitting HIV to unsuspecting white women and children. However, unlike Robinson, the Minnesota Department of Health helped Borrman enter a drug treatment program and offered him immunity from prosecution in return for his cooperation in criminal investigations against the escort agency. On the basis of Borrman’s revelations, the state sought a permanent injunction against the escort agency. Also, the morning after WCCO’s interview with Borrman, Minnesota’s Commissioner of Health, Sister Mary Madonna Ashton, called an emergency press conference, a rare event in and of itself. Ashton urged Borrman’s contacts, and “all men who may have had sexual contacts with male prostitutes” since 1977 “to receive appropriate counseling and be tested immediately.” For those who tested positive, Ashton pleaded that they “take steps to inform their wives or other sexual contacts” so that they too could be counseled and tested. Ashton was primarily concerned that male prostitutes were spreading the virus to women and children. At the press conference, she declared, “If we have a ring of prostitutes and there is even one and possibly more of them who have been infecting a sizable group of bisexual and gay men in our city, there’s the potential of the infection spreading to wives, to mothers, to children.” However, for all her concern, Ashton stopped short of promoting safer sex practices. During the televised press conference, Ashton did not even mention the word “gay.” She also refused to address questions pertaining to the effectiveness of condoms in preventing the spread of HIV. It was also only after the scandal became public that public health officials implemented a wide scale safer sex campaign. Officials, however, geared this wide scale safer sex campaign to a relatively low-risk population. Upon learning that male prostitutes, such as Borrman, were potentially spreading the virus to bisexual men, the MDH spent about \$10,000 in April of 1986 on ads in “the straight press” of suburban newspapers to

these cases ignited a firestorm of public scorn and legal surveillance, and sanctioned expressions of racism and classism as medically sound. Because people of color and sexual minorities were regarded as the culprits of the epidemic, the HIV/AIDS epidemic revived outdated methods for controlling sexuality. In these methods, public health and law enforcement collaborated in the sanitation, both literally and figuratively, of the public sphere and the body politic of deviant sexual expression.

In the spring of 1986, Rea Robinson, a 28-year-old African-American woman from Minneapolis with a history of drug abuse, was arrested on charges of prostitution. Her arrest might not have made the local news had the Minneapolis Police Department not “leaked” to the *Star Tribune* that Robinson had tested positive for HIV three months prior to her arrest. Although Osterholm, chief epidemiologist for the Minnesota Department of Health, insisted that female-to-male transmission of the AIDS virus could occur but “the evidence would suggest it extremely difficult,” authorities believed Robinson was an AIDS risk. Because of her presumed public health risk, bail was set at \$3,000, three times what prosecutors had requested. Perhaps hoping to deter would-be customers, a judge even ordered that the MPD release a photograph of Johnson to the

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convince people to undergo HIV-testing. Not surprisingly, some AIDS advocates were distressed about the MDH allocating such funding to interventions for heterosexuals when gay men, who continued to be the most impacted by the disease in the Twin Cities, received less attention. For some, like Tim Campbell, editor of the *GLC Voice*, having a Catholic nun running a public health department in the wake of the greatest health crisis facing gay men and IV-drug users was incommensurable. Campbell had accused the then-governor of Minnesota with appointing Ashton “as a favor to his Catholic supporters.” J.C. Ritter, “Stan Borrman on: prostitution, AIDS and the Health Department,” *Equal Time*, May 28, 1986.; Tim Campbell, “AFRAIDS in Minnesota,” *New York Native*, May 26, 1986.; “AIDS Takes Scary Suburban Twist,” *Minnesota Law Journal* 1, no. 3, (1986).; J.C. Ritter, “Escort service closed; safe sex debated,” *Equal Time*, Apr. 2, 1986.; Kevin Diaz and Bruce Benidt, “Police and others question role of prostitution in AIDS,” *Star Tribune*, Mar. 28, 1986: 01B.; Lewis Cope, “Male prostitute with AIDS virus had 1,000 sex partners in Cities, he says,” *Star Tribune*, Mar. 27, 1986: 1A.

local press.<sup>114</sup> The *Star Tribune* went even further by publishing Robinson's home address. When Robinson was released from the Hennepin County Jail, Lt. Lyle Goodspeed, head of the vice unit of the MPD, attempted to assuage public concerns when he informed the *Star Tribune* that he did not think Robinson's release from jail would be cause for alarm: "I don't think she'll be on the street...I think *it's* more interested in other kinds of work. If she is on the street, we'll be watching her closely [emphasis added]."<sup>115</sup> The literal dehumanization of Robinson in these accounts encapsulates attempts by media and policymakers to deter respectable whites from sexual relations with the likes of Robinson. By way of the loathsome contagion imbued upon Robinson and other prostitutes of color, HIV criminalization laws were also devised to corral wayward white men, in order to impress upon them practices of domestic discipline that bolstered compulsory heterosexual family life in the United States.

With this in mind, authorities issued Robinson a restraining order demanding that she provide the Minnesota Department of Health with the names of anyone she may have placed at risk because of intravenous drug use or sexual intercourse, and prohibiting her from engaging in prostitution. As part of her conditional plea, Robinson was to meet periodically with health officials to undergo counseling and education on the transmission of HIV.<sup>116</sup> However, on September 18, 1987, Robinson, who had just been

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<sup>114</sup> Bill McAuliffe, "Woman considered to be AIDS risk is released after prostitution arrest," *Minneapolis Star and Tribune*, Apr. 2, 1986.

<sup>115</sup> Ibid.

<sup>116</sup> In a memorandum filed with the court explaining the basis for the restraining order, the MDH stated that Robinson had agreed to voluntarily cooperate with health officials to undergo counseling and education about the transmission of HIV. She had also agreed to refrain from behavior that could cause risk to others. However, according to the MDH, Robinson did not comply with these demands. The memo read: "To date, in spite of repeated and ultimately false representations, [Robinson] has done absolutely nothing to evidence a scintilla of awareness of her potential health threat, a willingness to be instructed as to fundamentals reducing her risk of transmitting the virus to others, a desire to refrain from engaging in

evicted from her south Minneapolis apartment, was arrested in the early morning on charges of loitering to commit prostitution. The prosecutor in Robinson's contempt of court charges, in explaining how Robinson's case was different from the average prostitution misdemeanor case, told the *Star Tribune*, "It is akin to someone walking down the streets carrying a bomb [emphasis added]."<sup>117</sup> Robinson was sentenced to an 18-month prison term for violating terms of her probation on past convictions of theft and forgery by loitering with intent to commit prostitution.<sup>118</sup> A few months after her release in the spring of 1989, Robinson relapsed. She was arrested on a possession of drug paraphernalia, loitering with the intent to solicit prostitution, and outstanding traffic warrants.<sup>119</sup> Her arrests rehashed public concerns that Robinson was actively spreading the virus to unsuspecting customers and their families. A deputy chief of the MPD told

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prostitution or unsafe sexual or needle-sharing behavior or an indication of alerting those whom she may have infected from seeking appropriate medical intervention." The memo insisted that the restraining order was necessary for Minnesota Commissioner of Health Sister Mary Madonna Ashton to perform her duties. Without the restraining order, Ashton would be unable to investigate the occurrence of suspected cases or carriers of reportable disease, identify those at risk from the disease and counsel them to prevent further spread of the AIDS virus. The memo did not outline what measures would be taken to ensure the health of Robinson. Instead, the memo characterized Robinson as someone who lacked a basic awareness of the disease she carried. By describing her as such, the MDH not only garnered support for quarantine and other punitive measures, it also infantilized Robinson who required state intervention. That intervention, however, was born out of a demand to circumscribe her mobility so as to safeguard public safety, not out of a desire to meet Robinson's emotional, housing, and medical needs. Given her non-compliance, the MDH was able to cast Robinson as an immediate, imminent, and present danger to the public of the Twin Cities. Margaret Zack, "Prostitute who allegedly has AIDS virus ordered not to put others at risk," *Star Tribune*, Aug 9, 1986.

<sup>117</sup> During her court appearance on contempt of court charges, Robinson's attorney pleaded that Robinson was depressed and suicidal and required help for narcotics dependency. He requested that Robinson be placed in a locked psychiatric ward of the Hennepin County Medical Center. However, doctors at the medical center determined that Robinson was not "psychotic" and, as such, was not in need of medical care. Robinson was subsequently ordered to Hennepin County Jail. Given death threats leveled against her and the inability of jail authorities to properly treat someone in Robinson's condition, Robinson's attorney told the *Star Tribune* that he worried Robinson would be treated like "a leper in ancient Rome" in jail. "Minneapolis/Judge to hear prostitution case of prostitute who may carry AIDS virus," *Star Tribune*, Sep. 25, 1987.

<sup>118</sup> The judge in the case re-issued the order preventing her from working as a prostitute and required that she contact the MDH once a month. "Minneapolis/Order's ramifications pondered," *Star Tribune*, Dec. 1, 1987: 3B.

<sup>119</sup> Mark Brunswick, "Prostitute carrying AIDS virus arrested and released twice," *Star Tribune*, Jun. 7, 1989.

the *Star Tribune*, “It is frustrating. She is committing an act of violence as surely as if she took a gun and shot someone... She is not only knowingly infecting her customers, but wives and girlfriends and untold other *innocent* victims [emphasis added].”<sup>120</sup> Arrests against Robinson continued despite her claims that she was no longer engaging in sex work.<sup>121</sup> Robinson’s case illustrates how public health officials and law enforcement authorities collaborated to explain the supposed predilection to vice by prostitutes of color as something predetermined by culture, not a manifestation of economic need or chemical dependency. When health authorities, police, and policymakers viewed prostitutes of color soliciting white married men, their presence was considered particularly dangerous as they agonized that prostitutes of color would transmit the virus to white male clients and their unsuspecting families. The response by media, public health, and the overall general public to prostitutes of color with AIDS as objects of fear is noteworthy in that it posits a typified image of the black body operating in threatening ways according to historically perceived patterns.

In *Savage Portrayals: Race, Media, and the Central Park Jogger Story*, media scholar Natalie P. Byfield looks at how in the era of colorblindness, the mainstream rape coverage of the Central Park jogger upheld white male dominance while further

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<sup>120</sup> Ibid.

<sup>121</sup> On May 16, 1991, Robinson was arrested for loitering with the intent to commit prostitution. This was her 16<sup>th</sup> such arrest since 1976. At a court appearance a week later, Robinson’s public defender maintained that Robinson had not committed a crime and that she no longer engaged in sex work. Her public defender accused police investigators and news reporters of hounding Robinson to the point that she “cannot go out on the street without being arrested.” Authorities disagreed. They countered that Robinson was back working the streets. Deputy City Attorney Mitchell Rothman told the *Star Tribune* that the city wanted Robinson off the streets “as long as we can.” He elaborated, “We are very concerned about the possibility that AIDS or any other infectious disease is being communicated, particularly when the possibility of the infection is arising as a result of prostitution.” As a result, police investigators closely monitored Robinson. Randy Furst, “Prostitute with AIDS virus arrested; city wants her off streets,” *Star Tribune*, May 24, 1991.

marginalizing low-income black and Latino males through the demonization of the alleged attackers. In 1989, members of the media, elements of the criminal justice system in New York City, and some portions of the political establishment wrongfully accused and convicted a group of black and Latino male teens of sexually assaulting a white female jogger in Central Park. As Byfield shows, the rape of Trisha Meili, a twenty-eight-year old investment banker working in Manhattan's financial district, revived fears of black and Latino men preying on white women and participating in new random acts of violence called "wilding." Through auto-ethnography and content analysis of the words and terms used in newspaper coverage of the rape, the trials, and beyond, Byfield emphasizes the role of media in reanimating deep-seated ideas that associate people of color with social pathology and sexual transgression. Byfield cites Hector Bonilla-Silva who argues that the end of the Jim Crow era in 1965 shepherded a more understated form of the same attitudes directed against people of color; he dubs this phenomenon "color-blind racism."<sup>122</sup> Byfield elaborates upon Bonilla-Silva's point by noting that media coverage of the Central Park jogger's rape, considering its widespread usage of the terms "wilding" and "savage," reworked biological explanations of earlier periods for a race-neutral frame. Byfield concludes that the case serves as a stark reminder of how new discourses about racial groups rooted in color-blind racism make it feasible to recycle racist tropes from the past while minimizing the existence of racially disparate life

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<sup>122</sup> Bonilla-Silva explains that since the post-civil rights era, we have experienced the breakdown of discourses that refer to genetics in attributing specific traits to particular individuals and groups. In lieu of these eugenic discourses, we have experienced the birth of discourses that explain racially disparate life outcomes as a result of culture, market forces, or personal choice. Bonilla-Silva contends that these race-neutral explanations, at the heart of color-blind racism, disregard discrimination and the material harm it occasions. Simply put, because these race-neutral explanations inform laws, policies, and practices, race-neutrality actually conditions and intensifies racially disparate life outcomes. Eduardo Bonilla-Silva, *Racism without Racists: Color-Blind Racism and the Persistence of Racial Inequality in America* (Lanham, MD: Rowman & Littlefield Publishers, Inc., 2006).

outcomes as having little, if any, relevance to the historical and material foundations of racial inequality in the United States.<sup>123</sup> During the HIV/AIDS epidemic, we witnessed the ideological recycling of racist tropes from the past that cast the racialized poor as sexually dangerous to the moral and social order of the country.

The connections between white racism and the fear of racialized sexuality have long been researched. In denying full citizenship status and rights to people of color, the state has long referenced what it has deemed to be abnormal and deviant sexual behavior. Speaking in regards to African-Americans, political scientist Cathy J. Cohen historicizes this process of racialization, “Whether it is denying enslaved Africans the right to marry or forcing the sterilization of black women or limiting the financial support women could receive from the state, sex and the constructed image of an untamed black sexuality has continuously been a lynchpin for policies of deprivation and dehumanization targeting African Americans.”<sup>124</sup> Cohen’s point is that a white supremacist state constructs black communities as sexually deviant, dangerous, and irresponsible to justify their continued oppression and secondary status.

Key to the construction of racialized sexual deviance has been the development of contemporary mass media.<sup>125</sup> Because media has supported the transformation of the

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<sup>123</sup> Byfield connects the Central Park jogger case to the ongoing moral panic of the 1980s that focused on crime and drug abuse in black and Latino communities. This moral panic, which I discuss in further detail in chapter five, identified young black and Latino males as the new “folk devils.” Byfield argues that this moral panic contributed to the sensationalized coverage of the case in that it made it possible to persuade the public to accept the image of young black and Latino males as hyperdeviant. Natalie P. Byfield, *Savage Portrayals: Race, Media, and the Central Park Jogger Story* (Philadelphia, PA: Temple University Press, 2014).

<sup>124</sup> Cathy J. Cohen, “Black Sexuality, Indigenous Moral Panics, and Respectability,” in *Moral Panics, Sex Panics: Fear the Fight over Sexual Rights*, ed. Gilbert Herdt, (New York: New York University Press, 2009), 119.

<sup>125</sup> As the connective tissue in society, the media has played an important role in laying the foundation for contemporary racial hierarchies and representations. From the 1800s, with the advent of the Penny Press, the media supplied “the discursive incubator” that supported the consolidation of the category of people



meanings associated with racial categories, we can treat the development of the contemporary modern mass media as a historically situated racial project.<sup>126</sup> With the consolidation of racial categories came the policing of racial boundaries. Central to maintaining racial borders—a social order with elite white men at the top—were restrictions against interracial sexual relations.<sup>127</sup> Extensive scholarship has confirmed that racism has been at the foundation of sexual violence in the United States.<sup>128</sup> For

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classified as “white” in the United States. Through the stories they covered about race, such as the nation’s westward expansion and removal of Native Americans from their land, the media united readers discursively and philosophically on issues of race. Such coverage was used to forge group loyalty among whites and, therefore, represented a form of nationalism in the theory of Benedict Anderson who argued that the development of shared identities occurs discursively. These shared identities were achieved through the media’s deployment of “common totems,” including the white male as the symbolic head of white racial group classification. At the same time, the media, in all its white, black, and alternative press formulations, developed hegemonic and counter-hegemonic constructions of black identity. The mainstream media actively differentiated Europeans who were not owners of large tracts of land and who were not in possession of enough capital to be independent merchants or businesspeople from blacks with whom they shared much in common from a class or social status perspective. This differentiation was accomplished to separate the lower and higher strata of people in hopes of reducing the likelihood of systemic revolt. The mainstream media used the interests of the symbolic head to distinguish the privileges accorded one group in relation to another—white to black, white to Native American, men to women. As such, “With these interests grounded in the definitions of white racial group classification, a common identity could be forged between the non-elite and the elite European descendants.” Byfield, *Savage Portrayals*, 66.

<sup>126</sup> According to Omi and Winant, the theory of racial formation asserts that racial classifications are both structural and representational concepts. To substantiate their claim, they cite the ways in which race has been used in the history and development of capitalism, the European conquest of the New World, colonialism, and slavery. During these periods, societies organized themselves around their understandings of race. In the process, racial categories were “created, inhabited, transformed, and destroyed.” Omi and Winant refer to “historically situated racial projects” as the race-based social movements, policies, state actions, collective actions, and individual interactions used in the process of racial formation. Michael Omi and Howard Winant, *Racial Formation in the United States from the 1960s to the 1990s*, (New York: Routledge, 1994), 55.

<sup>127</sup> By protecting against the emergence of a group of “mixed race” people who could challenge the traditional racial, class, and labor order, laws against miscegenation were developed and implemented to safeguard against the disruption of racial and class hierarchies. Due to these legal and extralegal social practices, elite white males occupied a position of sexual dominance over all others. These white men legislated sexual boundaries for others that did not apply to them. In fact, so normal was their sexual freedom that when they engaged in rape, it was not considered as such. According to Angela Y. Davis, the consequences of these legal and extralegal social practices against interracial sex were drastic for all women, but black women were more severely punished since these practices institutionalized the rape of black women. Angela Y. Davis, *Women, Race, and Class* (New York: Random House Inc., 1983).

<sup>128</sup> During slavery, black women were subjected to sexual violence with impunity when the sexual domination of the master over his female slaves was framed in terms of property rights. Slavery denied black women any rights over their bodies. Legally, black women’s status as property prevented them from treating their masters’ sexual exploitation as rape. According to this formulation, all rape victims were

instance, under Jim Crow's system of racial apartheid, any and all sexual contact between the races, particularly between black men and white women, was considered illegal, illicit, and socially repugnant.<sup>129</sup> White Southerners argued that the practice of lynching, or open public murders of individuals suspected of crime conceived and carried out by a mob, was necessary to protect white women from black rapists who could allegedly only be controlled by fear.<sup>130</sup> Although the dominant culture explained lynching as the result

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white. To justify the rape of black women after the Civil War, society concocted the cultural myth of the "oversexed" black woman. This cultural myth posited that white men could rape black women at will and simply blame their actions on the supposed sexual appetite of black women. As late as the 1970s, black women who were raped were less likely to have their sexual assault viewed as an act worthy of legal consequence. And yet, despite white men's ability to rape black women at will, American courts, from before the birth of the nation, have vehemently defended anti-miscegenation laws, outlawing marriage or sexual relations between different races, until the Supreme Court ruled them unconstitutional in 1967. (The last anti-miscegenation law was not struck down until 2000. Yet, more than 40% of Alabama voters cast their ballot in favor of keeping the law in the state constitution.) In the period after the Civil War, during Reconstruction when political institutions and representative government became inaccessible and unaccountable to black Americans, black men had to contend with trumped up charges of their so-called biological propensity to rape white women. The black male, Angela Davis argues, had become embedded in the American cultural imaginary as sexually dangerous. Given their supposed prodigious sexual talents that enticed white women, black men endangered the ascendancy of white supremacy. Byfield, *Savage Portrayals*.; Davis, *Women, Race, and Class*.; Kristin Bumiller, *In An Abusive State: How Neoliberalism Appropriated the Feminist Movement Against Sexual Violence* (Durham, NC: Duke University Press, 2008).; Alan J. Lizotte, "The Uniqueness of Rape: Reporting Assaultive Violence to the Police," *Crime and Delinquency* 31, (1985): 169-190.; Somini Sengupta, "Marry at Will," *The New York Times*, Nov. 12, 2000.<sup>129</sup> Society looked down upon white female and black male sexual liaisons because these disrupted the system of racial oppression, a social order with elite white men at the top. Even if the sexual contact was consensual, it usually fell within the Jim Crow definition of rape. Gunnar Myrdal wrote in *An American Dilemma: the Negro Problem and Modern Democracy*, that "the broad Southern definition of rape...include[d] all sexual relations between Negro men and white women." Gunnar Myrdal, *An American Dilemma*, rev. ed. (1944; repr., Piscataway, NJ: Transaction Publishers, 1995), 561-562.

<sup>130</sup> In the last decades of the nineteenth century, the lynching of black people in the South and Border States became an institutionalized method employed by whites to terrorize blacks and to maintain white supremacy.<sup>130</sup> Of the thousands of lynchings of black men documented by the Tuskegee Institute from 1882 to 1968, about 1 in 4 were triggered by the alleged assault of a white woman. Lynchings transpired primarily in smaller towns and isolated rural communities in the South. Here, whites were poor, mostly illiterate, and lacked community recreation. Those who comprised mobs were often small landholders, tenant farmers, and common laborers. Because their economic status was similar to that of black people, these poor whites saw black men as economic competitors. For that reason, they bitterly resented black progress. Lynchings, therefore, were part of those attacks that arose out of economic competition that black businesses posed. According to Gibson, "Their starved emotions made the raising of a mob a quick and simple process, and racial antagonism made the killing of Negroes a type of local amusement which broke the monotony of rural life." In other words, poverty, economic and social fear of black people, a low level of education, and the isolation and dullness of everyday life in rural and small towns underlined the popularity of lynching by the lower strata of Southern white society. Even though most participants of lynch mobs were from the lower strata, middle and upper class whites sometimes partook in the activities.

of black men committing rape against white women, it is likely that this post-Civil War development was the result of fear at the economic competition black men posed as freedmen.<sup>131</sup> In spite of the real motives behind lynchings—fear of economic competition—the Southern press spread cultural myths of black sexual excess to gain sympathy from northerners and, by extension, the freedom to do as they liked with blacks, primarily justifying Jim Crow segregation.<sup>132</sup> By the turn of the 20<sup>th</sup> century, mainstream media circulated dominant ideas of the period, anchored in theories of biological determinism that characterized blacks as “immoral, depraved, unable to govern themselves, akin to animals, and a weaker species” primed for extinction.<sup>133</sup> Although there was fear and loathing for all blacks, the public readily consumed the image of the

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If anything, they generally condoned the illegal activity. In fact, many Southern politicians and officials supported “lynch law” and rose to prominence on a platform of racial prejudice. Robert A. Gibson, “The Negro Holocaust: Lynching and Race Riots in the United States, 1880-1950,” Yale-New Haven Teachers Institute, *Themes in Twentieth Century American Culture* 2 (1979).; Myrdal, *An American Dilemma*.; “Lynchings: By State and Race, 1882-1968,” University of Missouri-Kansas City School of Law, accessed Feb. 12, 2016. <http://law2.umkc.edu/faculty/projects/ftrials/shipp/lynchingsstate.html>.

<sup>131</sup> The black female publisher and editor, Ida B. Wells, challenged the construction of the black male as a threat to white society and to white women. In 1892, Wells published *Southern Horrors: Lynch Law in All Its Phases* to draw attention to lynchings occurring because black men had allegedly raped white women. Wells discovered that black men were being falsely accused of rape as justification for lynchings that were being used to subvert the growing demands by blacks for equality during Reconstruction. Rather than a reflection of actual black crime, lynching expressed a white American fear of black social and economic advancement. Ida B. Wells, *Southern Horrors: Lynch Law in All Its Phases* (1892; repr. CreateSpace Independent Publishing Platform, 2013).

<sup>132</sup> The biographer of Ida B. Wells, Mia Bay, writes, “With the end of Reconstruction, white Southerners campaigned for segregation and black disenfranchisement by questioning not only the racial character of black people, but their gender characteristics—often construing black sexuality as a racial threat to the white race.” Together the lynching of black men and the rape of black women functioned as economic and political weapons against the black community. At the same time, these mechanisms ensured that black men and women would be defined outside the ideological purview of proper manhood and womanhood. Mia Bay, *To Tell The Truth Freely: The Life of Ida B. Wells* (New York: Hill and Wang, 2009), 74.; Abby Ferber, *White Man Falling: Race, Gender, and White Supremacy* (Lanham, MD: Rowman and Littlefield, 1998.)

<sup>133</sup> During this time, media were saturated with negative representations of black men. The D.W. Griffith film *Birth of a Nation* illustrates how the burgeoning film industry participated in the dissemination of negative images against black men. The film, released in 1915, is lauded as a piece of landmark cinema for the groundbreaking techniques it employed. The film is also infamously remembered for its overt racist depictions. Contrary to actual historical events, the film’s plot depicts southern whites as victims suffering at the hands of lecherous blacks during Reconstruction. Blacks protested the film’s release. The NAACP, then only a six-year-old organization, spearheaded protests in Los Angeles and New York City in an unsuccessful bid to prevent the release of the film. Byfield, *Savage Portrayals*.

black male as a “brute” and a “rapist.”<sup>134</sup> This fear of racial miscegenation and economic competition haunts the contemporary recycling of such overdetermined images of racialized sexual deviance in an era of neoliberalism.

In his investigation of the impact of racial ideology on the criminal trial of the policemen who beat Rodney King and on the media coverage of the subsequent Los Angeles uprising in 1992, critical race theorist Robert Gooding-Williams identifies the ways in which racial ideology characterized black bodies as destructive to the American social order. He interprets how those representations serve as allegories for the sociopolitical status of African-Americans in the United States. He argues that the “interpreted” images, or representations with narrative significance, of black people mobilized by American jurors, lawyers, and media pundits were used to prop up and re-stabilize a white American social order in a moment of crisis. The black presence in

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<sup>134</sup> Three notable examples from the first half of the 20<sup>th</sup> century that illuminate how American society’s approach to sexual violence has historically victimized black men can be traced to the cases of boxer Jack Johnson, the Scottsboro boys, and Emmett Till. In 1908, black boxer Jack Johnson beat a white opponent to clench the world heavyweight title. Not surprisingly, media and society reacted with much disdain. Fueling this hatred even more was the fact that Johnson often traveled with white women, some of whom were prostitutes. Perhaps the pinnacle of Johnson’s disruption of racial boundaries came when he married a white woman. Authorities employed the newly legislated Mann Act of 1910, which banned crossing state lines with white women for the purposes of prostitution, to bring Johnson down, no such protections were afforded to non-white women. In 1913, Johnson was tried and convicted for violating the law. The case of the Scottsboro boys emerged from a 1931 incident in which nine black boys traveling as “hoboes” on a freight train in Alabama became ensnared in a fight with young white males. While the white males accused the black boys of assault, two white women traveling on the train charged the boys with rape. Although one of the women later retracted the charges, the black boys were time and again convicted in a number of trials and retrials, with the majority of the boys serving long prison sentences. In the case of Emmett Till, we similarly witness how black male sexuality had been presented as a danger specifically to white women. Emmett Till was a fourteen-year-old Chicago boy visiting family in Money, Mississippi, in the summer of 1955. It is said that he whistled at a white woman. In retribution, a group of white men abducted Till from his uncle’s home in the early morning hours. They brutally beat him. They shot him in the head. And they threw his body in a river. Till’s mother held an open-casket public funeral in Chicago to underscore the cruel treatment her son experienced. After a public outcry, his killers were tried, but later acquitted. These three cases confirm that black males experience patriarchy in vastly different ways than white men. Elaborating upon this point, Byfield deduces, “Under white male patriarchy, black males have never shared in the power and privilege assigned to the male gender. They had no power over white women, only over black women; thus, interactions with white women represented a boundary transgression that could easily be denoted as rape or equated with rape when no actual rape had occurred.” Byfield, *Savage Portrayals*, 72.

American social and political life, therefore, constitutes “a useful, convenient, and sometimes welcome means for propping up and stabilizing the patriarchal and capitalist social order that is the foundation of [America as a political] community.”<sup>135</sup> Gooding-Williams’ point is that the black presence in the United States serves as a foil in the consolidation of white American identity and practices. In his close reading of the Rodney King trial and L.A. uprising, Gooding-Williams concludes that the defense and media’s recycling of the image of the black male as a wild and chaos-bearing animal allegorically declared that blackness comprised the antithesis of a white American social order.<sup>136</sup>

In the words of Gooding-Williams, the depictions of Bridges and Robinson were also those of “interpreted images;” they hold narrative meaning for their historical specificity. As products of AIDS moral panic, these images harken to white fears of a rampant and uncontrolled racialized sexuality disrupting a socially acceptable moral order, one with strict racial boundaries of respectable sexual relations. The purpose of these images, then, is more than merely incite fear in white Americans. The ideological

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<sup>135</sup> Robert Gooding-Williams, *Look, a Negro! Philosophical Essays on Race, Culture, and Politics* (New York: Routledge, 2006), 6.

<sup>136</sup> In regards to the Rodney King trial, Gooding-Williams conducts a close reading of the defense attorneys’ rhetorical strategy. The attorneys pleaded with the jurors to “see” the events from the eyes of the accused police officers. Gooding-Williams observes that the testimony from King’s assailants persistently referred to King as a “bear,” emitting animal-like groans. In the eyes of police, Gooding-Williams notes, King’s black body became that of a wild “Hulk-like” animal whose every gesture endangered the very existence of civilized society. Given this rendition of King, the defense attorneys depicted the white policemen not as attacking King, but rather as incapacitating him for the purpose of safeguarding civil society from the mayhem that an untamed animal wreaks. Gooding-Williams concludes that “the plot of the story the police and lawyers told assigned the white bodies appearing in the tape the function of protecting the fort of civilization against the willful attack of a chaos-bearing animal. The same plot assigned the tape’s protagonist the role of a destructive animal who gives his all to attack the fort.” By casting King in the role of a wild animal whose every movement threatened civilization, the defense attorneys recycled interpreted images of black bodies appearing in European and American representations of African “others” as uncivilized beasts. The cultural legacy of these images, in turn, conditioned a context in which the jurors could “see” King as a threat, not a victim. Simply put, King personified an uncivilized chaos that needed to be crushed to reinstate law and order. *Ibid.*, 10.

work these images are mobilized to enact is that of reinforcing heteropatriarchy among white Americans by pointing to the dangers of deviating from monogamy and marriage. For its role in the dissemination of the HIV/AIDS epidemic, we can characterize the mainstream media as a racial project that promoted the transformation of the meanings associated with racial categories. As a technology of power, the mainstream media produced and disseminated a number of negative images of PWHA's in the form of caricature and stereotype. Like lynching, and the anti-black discourse from which it originated, HIV criminalization laws similarly proceed from a white public fear of racial progress. These laws became an institutionalized method used by whites to terrorize people of color and reassert white supremacy, especially as neoliberalism redefined categories of privilege and marginality in the 1980s. HIV criminalization laws, as such, do not reflect a newfound epidemiological risk. Rather, they express a white middle-class fear of racial degeneration amid concerns of economic decline.

The fact that these interpreted images of Bridges and Robinson belong to a cultural legacy we have inherited from the past undermines the reliability of using "moral panic" as a concept to describe the role of racialized sexuality in structuring the response to HIV/AIDS. A moral panic assumes that the individuals, groups, or event defined as threats to the integrity of the nation-state operate in a vacuum. That is, moral panic theory posits that social phenomena are discrete and independent of other events, situations, and people. This theory, thus, proves particularly limiting when describing HIV/AIDS as a moral panic since mainstream media and the political establishment recycled past and ongoing images and messages of racialized sexuality as immoral. The HIV/AIDS epidemic was not so much a moral panic as it was the latest confirmation of structural

violence against bodies of color in the United States. According to this vein of thought, the images of Bridges and Robinson were recycled representations of archetypes continuously deployed throughout economic crises to prop-up and restabilize a white American social and political order.

With that said, although “moral panic” as a concept is limited, we should be cautious of outright repudiating it. A “moral panic” is useful to the extent that it provides us with the language to connect individual—inflated—fears to structural agendas. In the case of HIV/AIDS, the concept of moral panic allows us to decipher the ways in which the fear associated with the epidemic was symbolic of deeper economic concerns pertaining to the dwindling dominance of white supremacy. At the same time, we need to look beyond the analytical frame of “moral panic” to consider how the social phenomena it purports to describe are ongoing and in fact constitutive of permanently circulating cultural scripts of race, class, gender, and sexuality. Understanding that the relationship between moral panics and their targets is not defined in a simple one-to-one fashion enables us to link the state’s response to HIV/AIDS, its treatment of drug abuse, and its management of urban poverty in central cities in the 1980s in relation to one another. In chapter six, I connect the HIV/AIDS epidemic to the ongoing moral panic of the 1980s that focused on gang-related crime and drug abuse in black and Latinx communities. As I argue there, panics of racialized urban poverty manifested in the figures of the “fatherless gang member” and the “crack-addicted single mother” during the war on drugs facilitated the retrenchment of welfare social services and the expansion of punitive state measures designed to impose “normativity” on communities of color.

## Conclusion.

From the early days of the HIV/AIDS epidemic, racism and homophobia pervaded the response to the crisis, including the criminalization and prosecution of HIV transmission in the United States. Although the existence and enforcement of such HIV criminalization measures ran counter to scientific evidence about routes of transmission, prosecutors defended such measures as providing just punishment for behavior that *could* transmit the virus. Some queer activists alleged that these measures could backfire by undermining efforts to curb the flow of the epidemic. They contended that such measures discouraged those at risk from accessing care and also created a powerful disincentive for PWHAs to disclose their status to sexual partners. If HIV criminalization did not produce positive health outcomes for individuals or populations, it certainly contributed to cultivating social stigma. These laws, aided by “hysterical” media coverage such as that by WCCO and PBS, reinforced negative stereotypes of PWHAs as toxic, highly infectious, and dangerous. By mere virtue of their diagnosis, these people had to be controlled and confined lest they endanger “the general population.” HIV criminalization, therefore, promoted many manifestations of illegal discrimination against PWHAs. Discrimination was intensified when those subjected to these measures were poor, people of color, which was oftentimes the norm, as evidenced by Bridges and Robinson.<sup>137</sup>

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<sup>137</sup> The legal obligation to disclose one’s HIV status was codified in the original Ryan White Care Act passed in 1990. That legislation required states to demonstrate an ability to prosecute potential exposure and transmission in order to be eligible for Ryan White funding. This was a recommendation from Reagan’s AIDS commission report. Many states considered their then-existing assault and public health statutes adequate to meet the requirements of the Ryan White Care Act. Nonetheless, 32 states added HIV-specific laws to their criminal codes. Although this requirement was dropped from the 2000 renewal of the Ryan White Care Act, the criminalization statutes it prompted continue to be enforced. On the other hand, the ethical obligation of people with HIV to disclose health factors that put others at risk was codified in the Denver Principles, the historic 1983 manifesto that launched the people with AIDS movement. Sean Strub, “Criminalization 101,” *POZ*, Nov. 3, 2010.



Despite the disproportionate criminalization of poor, people of color with HIV/AIDS, white gay leaders and black and Latinx leaders seldom came to their rescue. Although the case of Bridges offered an opportunity to discuss how crosscutting political, social, and economic factors shaped people's vulnerability to HIV/AIDS, white gay leaders and AIDS advocates focused their critique of the *Frontline* episode on the representational implications of Bridges. As I discussed above, the *Frontline* episode did not so much as address the role of the government or the medical establishment in enabling the pandemic spread of HIV/AIDS. It also did not correct the various instances of misinformation communicated by public health and law officials. In spite of all these opportunities for critique, gay leaders and AIDS advocates focused on emphasizing how Bridges was *not* like most cases of PWHAs. Their response to the *Frontline* episode reflects a process of secondary marginalization. Under secondary marginalization, community elites, given their position of relative power, take on the role of internal regulators. In an effort to portray the larger community as representative of dominant norms and values—racialized norms of sexual hygiene—community elites highlighted those members believed to be positive and in alignment with said characteristics. At the same time, they participated in the stigmatization and policing of group members regarded as engaging in behaviors thought to be deviant, destructive, and dangerous. Gay community activists, in conjunction with the mainstream media and public health officials, used moral panic discourses that were racialized to make the racialized poor the center of the panic around the HIV/AIDS epidemic. Vis-à-vis the alleged nonnormative genders and sexualities of poor, people of color, white gay leaders were able to vouch for the worthiness of PWHAs and gay men for citizenship, benefits, and protections.

The cases of Bridges and Robinson allude to the ways in which outlaw sexualities share a commonality that is made evident via the state regulation to which they are subjected. Their shared form of sexual regulation was one of the ways in which prostitutes of color and white gay men were connected. In spite of the opportunity for coalition building, white gay leaders adamantly refused to be considered in relation to sex workers. They worried that the general public and the political establishment would regard Bridges as emblematic of all PWHAs and gay men. This association, they proclaimed, would threaten the hard-won access, mobility, and respectability of community elites. At stake was the passage of even more restrictive legislation, including non-compliant ordinances and quarantine orders, and a heightened risk for anti-gay violence. As such, gay leaders and AIDS advocates purposely distanced Bridges from the larger community of PWHAs and gay men. However, by failing to articulate how Bridges' life choices were systematically constrained by structural racism and material inequality, gay leaders and AIDS advocates "privatized" Bridges' AIDS diagnosis as the product of his allegedly irresponsible decisions and pathological desires. To that extent, they inadvertently upheld the very same media-generated images and messages of PWHAs and gay men that they had labored to dispel, that gay men were personally responsible for contracting and spreading HIV/AIDS.

None of these early media representations addressed the epidemic's public dimension or acknowledged the social factors that facilitated and perpetuated the crisis. What these stories did focus upon were examples that enforced the public perception that HIV/AIDS was the result of personal shortcomings, not state neglect. Although scholars, and gay leaders and AIDS advocates attributed the media's early portrayal of HIV/AIDS

to homophobia, I argue that anti-homosexual discourse told only part of the story. Fears of racialized sexuality also shaped AIDS moral panic. Since people of color and sexual minorities were regarded as the culprits of the epidemic, mainstream media and the political establishment recycled racist tropes that cast people of color as sexually dangerous to the moral and social order of the country.

These discourses that centered on racialized sexual immorality helped public health officials and law enforcement with securing passage of HIV criminalization measures, designed to constrain the movement of sex workers of color with HIV/AIDS. In the wake of the HIV/AIDS epidemic, racial interpretations of health and morality were recalibrated into cultural expression and social policy, with devastating consequences for the racialized poor. Inasmuch as cross-racial intimacies undermined the norms of white American society, they posed a threat to the country's prosperity and vitality. If cross-racial sexual intimacy enabled the incurable disease of HIV to proliferate, then health authorities had to halt those intimacies to ensure the health of individual white American families and to protect the mythos of respectable Minnesotan society through HIV criminalization laws. Racial violence was key to safeguarding a discourse and practice of "Minnesota Nice." HIV criminalization laws illustrate how spatial power is inherent to the historical and ongoing terrors witnessed by the racialized poor. Legacies of segregation spatialize racial difference by perpetuating and refashioning the modes in which the racialized poor are allowed to inhabit space.<sup>138</sup> These laws, however, were also mobilized on behalf of those wayward white men who accessed the services of

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<sup>138</sup> bell hooks, *Yearning: Race, Gender, and Cultural Politics* (Toronto: Between the Lines Press, 1990).

prostitutes. These laws were meant to remind those men of the virtues of compulsory heterosexual family life.

Furthermore, these discourses, I argue, were reflective of deeper anxieties spurred by shifts in political economy brought about by neoliberalism. The media-orchestrated HIV criminalization of prostitutes of color with AIDS served as a powerful symbol that unified white Americans as a group in the wake of neoliberalism's ascendancy.

Criminalizing prostitutes of color with AIDS was the secret antidote to the symptoms of white injury. Bridges was meaningful to the extent that he served as a focal point around which white gay leaders mobilized against. White gay leaders organized against Bridges, and others like him, to fulfill the interests and investments of a homonationalism that petitioned the state for access into the cultural, political, and economic social fabric of the nation. By distancing themselves from Bridges, gay community activists held Bridges as an instructive moral lesson for other gay men to observe. Simply, not to be poor and black. Precisely, the moral panic of HIV/AIDS was both a sexual and a racial project and the basis of white normative recovery, all disguised within the parameters of public health in an allegedly colorblind society. At the same time, these discourses that criminalized Bridges and Robinson's sexuality paved the way for the neoliberal restructuring of urban public spaces. Moral panics, in particular those revolving around race and sexuality, were and remain central to the implementation of neoliberal policies and practices.

HIV criminalization laws, because they promoted personal responsibility and relied on real or imagined others at the margins of society, redirected attention away from the structural dimensions of the epidemic and from the state's role in abetting the

epidemic. That is why, the overwhelming focus on white victimization during the AIDS crisis by the media and policymakers displaced much needed attention from how avenues of infection were reflective of the material conditions of everyday life. Although poor, people of color disproportionately suffered the brunt of the HIV/AIDS epidemic, they were also the most likely to be criminalized for its transmission and the least likely to secure medical care. As the cases of Bridges and Robison illustrate, discrimination and socio-economic factors linked to race engendered additional challenges to accessing quality health care, housing, and education necessary for HIV treatment and prevention. Yet, white gay leaders and AIDS advocates were unable to address the needs of these multiply positioned PWHAs due to their inability to employ an intersectional approach. To effectively address issues surrounding HIV/AIDS in marginalized communities we need an intersectional approach. In general, an intersectional analysis sheds light on how overlapping discourses and structures of race, class, and gender intersect in a multitude of ways to create unique social locations that both privilege and oppress individuals and populations. Critical race theorist Kimberlé Williams Crenshaw points out that an approach that focuses solely on race or gender without equally considering how these multiple axes of oppression and privilege are complexly interlocking can result in promoting oppression in other venues of lived experience.<sup>139</sup>

In the context of HIV/AIDS, we need a strategy that challenges and defeats HIV criminalization in collaboration with campaigns that fight racism, homophobia, and sexism. Speaking in regards to communities of color, Cohen insists it is “misguided” to speak of AIDS in disadvantaged communities without also broadening our lens of

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<sup>139</sup> Kimberlé Williams Crenshaw, “Mapping the Margins: Intersectionality, Identity Politics, and Violence Against Women of Color,” *Stanford Law Review* 43, no. 6 (1991): 1241-99.

analysis to engage social justice politics including the redistribution of material resources and the curtailment of the prison-industrial complex which has come largely at the expense of black and Latinx communities. Cohen elaborates, “If activists do not pay attention to some of the larger trends and structural contexts in which crisis and panic take hold, then we may win certain battles, even one day finding a cure for AIDS, without truly liberating affected communities, and in particular communities of color, from their secondary status in society.”<sup>140</sup> Cohen reminds us that sexual rights in communities of color will never truly materialize unless we participate in a mass movement that involves a commitment to unpacking how the interlocking positionalities of race, class, gender, and sexuality shape people’s experiences with HIV/AIDS and fuel its criminalization in vastly different ways.

Not only has neoliberalism abstracted the role of the state in conditioning inequality, it has also expanded the regulation of sexual identities and practices through new forms of legal surveillance of the public sphere. Some of these novel legal technologies of surveillance include public sex laws and anti-cruising ordinances which refined modes of medical, social work, and housing interventions into the private sphere. I turn to this subject next in chapters four and five where I examine the regulation of commercial sex establishments and public sexual cultures, respectively, as an extension of HIV-prevention and neoliberal urban policies.

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<sup>140</sup> Cohen, “Black Sexuality, Indigenous Moral Panics, and Respectability,” 125-26.

## Chapter Four.

### And the Bathhouse Played On: The Politics of Public Health in the Regulation of Commercial Sex Establishments

#### Introduction.

In the early morning hours of May 16, 1987, Dick Brown, a 60-year-old gay Minneapolis resident and a former bathhouse patron whom the *Star Tribune* called a “gay activist,” marched towards the 315 Health Club, one of the largest and busiest bathhouses in operation between Chicago and the West Coast. Holding a sign that read, “AIDS Kills, Avoid Gay Bathhouses,” Brown stood outside the last remaining bathhouse in Minneapolis to “call attention to the danger” of the premises (Figure 4.1). For Brown, bathhouses were among the primary culprits in the spread of HIV because these establishments provided patrons— “vulnerable” sex addicts—with opportunities to engage in casual anonymous sex. Despite these so-called dangers, Brown deduced that some gay leaders and AIDS advocates— “professional gays”—were leading a “propaganda campaign” to defend the 315 Health Club. For that reason, Brown deemed it a personal responsibility to publicize the dangers the bathhouse allegedly posed.<sup>1</sup>

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<sup>1</sup> Although Brown vowed to continue picketing, he complained, “I don’t enjoy this. I have a very pleasant life, a good job, [I have] other things to do with my time. But I can’t believe the gay community is being this irresponsible.” Brown accused gay leaders and AIDS advocates of “not handling [the bathhouse issue] honestly.” Brown told *Equal Time* that his picketing had deterred two or three prospective customers from entering the premises. After about a month of picketing by himself in the spring of 1987, the picket line doubled to include Clint Heim, a former employee of the bathhouse who worked there intermittently for eight years. Brown mentioned that others supported his efforts, though they were unwilling to back him up publicly out of fear of being exposed as “gay.” Brown expanded picketing to Friday nights as well as Saturday nights because these were the business’ heaviest traffic period. Bill McAuliffe, “Pickets take their AIDS message to bathhouse,” *Minneapolis Star and Tribune*, Jun. 13, 1987.; John Ritter, “Dick Brown continues solo campaign to close bathhouse,” *Equal Time*, May 27, 1987.

As the death toll due to AIDS climbed in cities throughout the country, commercial sex establishments, like the 315 Health Club in Minneapolis, became the target of attack for a number of reasons. For one, anti-pornography campaigns had famously argued that erotic



**Figure 4.1: Dick Brown protests outside the 315 Health Club. Bill McAuliffle, “Pickets take their AIDS message to bathhouse,” *Star Tribune*, Jun. 06, 1987.**

bookstores and X-rated theaters promoted a culture of sexual violence against women. Second, health officials hypothesized that these establishments accommodated a sexual promiscuity among gay and bisexual men that facilitated the spread of the virus to white, suburban families. Third, perhaps most important, urban policymakers feared that the presence of commercial sex establishments deterred future economic investment in the downtown core of central cities. Given these concerns, central cities used the HIV/AIDS



epidemic to limit, close, or evict businesses that sold sexually explicit material or that furnished public sexual cultures.<sup>2</sup>

Commercial sex establishments proliferated in central cities, in part, as a result of urban planning policies and practices. In the 1960s and 1970s, as Americans became immersed in the countercultural movement, central cities lost significant amounts of residents to the booming, predominantly white, suburbs. For instance, the U.S. census reported that Minneapolis and St. Paul had a respective population of 520,000 and 320,000 residents in the 1950s. By 1980, these numbers had dropped exponentially by 150,000 and 40,000, respectively. In the wake of white flight, with downtown businesses often following people to the suburbs, cities were left with empty, commercial corridors. The decline of uses for these office buildings, shopping arcades, and entertainment districts welcomed businesses that were previously economically and socially excluded. In addition, the advent of home video technology in the 1970s expedited this process by impacting the theater industry so much so that it proved difficult to fill up larger theatrical spaces in downtown districts. Eventually, several of these small theaters were converted into X-rated theaters. With this development, all repairs on these properties halted. Businesses such as erotic bookstores and X-rated theaters opened in these abandoned office, shopping, and theater structures, fueling a new urban economy centered on sex.<sup>3</sup>

These shifts in the political economy of central cities in conjunction with landmark censorship cases in the 1960s and 1970s powered the production and

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<sup>2</sup> Stewart Van Cleave, *Land of 10,000 Loves: A History of Queer Minnesota* (Minneapolis, MN: University of Minnesota Press, 2012).

<sup>3</sup> Samuel R. Delany, *Times Square Red, Times Square Blue* (New York: New York University Press, 1999).

consumption of pornography in the United States. At the same time, the Stonewall Riots drove gender and sexual nonnormative identities and practices out into the public sphere. With the introduction of “the pill,” women were enabled to explore their sexuality outside the constraints of reproduction. In this context of sexual freedoms, the number of establishments such as bathhouses and backroom bars catering to gay men boomed in all major cities of the United States. These establishments, what Michel Foucault called “laboratories of sexual experimentation,” operated for the purpose of casual sex.<sup>4</sup> For the first time for most gay men, sex became readily available. Going from a period in time when dancing with someone of the same-sex was a crime to a moment in time when endless sexual opportunity abounded, gay men not only had more sexual partners, they also explored an assortment of sexual practices. For many gay men in the 1970s, sex was a political act. In spite of these developments, as the United States moved into a post-industrial, service-oriented economy, the rise of economic and moral conservatism brought with it a newfound focus on the regulation of gender and sexuality. Anita Bryant’s crusade in Florida and the Briggs Initiative in California were two of numerous conservative offensives mounted against the gay community in the 1970s. By the 1980s, the New Right was successful in mobilizing a national trend towards tougher laws controlling commercial sex establishments.<sup>5</sup>

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<sup>4</sup> In referring to commercial sex establishments in New York City and San Francisco as “laboratories of sexual experimentation,” Foucault explained that these establishments were “the counterpart of the medieval courts where strict rules of proprietary courtship were defined.” According to Foucault, in the midst of an oversaturation of sex, variations are obligatory to heighten the enjoyment of the act. Michel Foucault, “Sexual Choice, Sexual Act: Foucault and Homosexuality,” in *Politics, Philosophy, Culture: Interviews and Other Writings, 1977-1984*, ed. Lawrence D. Kritzman (New York: Routledge, 1988), 298.

<sup>5</sup> Minnesota considered adopting laws and strategies aimed at reducing the practices associated with these businesses, including prostitution, “high risk” anonymous sex, and crime. Several of these tactics had been successfully implemented in other parts of the country. Legislators in Norfolk, Virginia and Dallas and Houston, Texas had already implemented zoning ordinances designed to spread out sex businesses by

The less permissive atmosphere regarding sex along with increased public concern about AIDS, crime, and urban blight resulted in the passage of draconian anti-sex laws. Whereas a single tactic might have proven ineffective on its own, attacks on commercial sex establishments via multiple channels including zoning, obscenity laws, and health regulations proved far more successful.<sup>6</sup> As one of the most vilified institutions in the wake of the HIV/AIDS epidemic, bathhouses were subjected to a number of these varied strategies to ensure their closure. Unlike other commercial sex establishments that catered to a predominantly gay male clientele—bars, bookstores, gyms, and restaurants—bathhouses, historian David Serlin notes, became “contested sites” within LGBT politics and urban politics more broadly during the HIV/AIDS epidemic.<sup>7</sup> While some gay leaders celebrated bathhouses as institutions of sexual liberation, other within the community demonized them as breeding grounds for promiscuity and sexually transmitted diseases. In the end, the latter opinion won out and bathhouses became perceived as anathema to public health concerns and the larger itineraries of gay social incorporation.

Bathhouses were particularly dangerous to the moral fabric of the nation because they undermined the hallmark of American society: white, domestic, heterosexual relations. Bathhouses made the attention to social distinction irrelevant, bringing men from all walks of life together in the shared pursuit of libidinal pleasure. The social

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closing some and rendering others more difficult to open. In Dallas, a 1986 zoning law combined with a state obscenity statute to close one bookstore and to prevent several new ones from operating. In Houston, health reports that showed people contracting STDs in private-viewing booths in bookstores caused that city to pass an open-door ordinance in 1985.

<sup>6</sup> Zoning is a technology enacted by cities and municipalities to enforce land use. Historically, it has been one of the most effective ways of upholding residential segregation.

<sup>7</sup> David Serlin, “Bathhouses,” in *The Encyclopedia of American Lesbian, Gay, Bisexual, and Transgender History in America*, ed. Marc Stein (New York: Charles Scribner’s Sons, 2004).

setting of bathhouses supported fraternizing without consideration for the distinction of race or class. This communally-acted upon vice, in turn, reproduced alternatives to the prized intimacy of the white, middle-class suburban home. Writing in regards to opium dens in the late-1800s, historian Nayan Shah recounts that health officials feared the role of such establishments in transmitting syphilis and leprosy between Chinese immigrants and white residents. Inasmuch as white men—and, at times, white women—visited opium dens, health officials agonized that these establishments rendered possible sexual relations and social intimacies across race and class lines. Specifically, health officials were engrossed as to whether men and women who smoked opium experienced a lowered state of inhibition, one that made them willing to experiment with immoral sexuality and moral turpitude. Unlike saloons, where patrons remained standing or sitting, in the opium dens, smokers lay side-by-side in the bunks, a practice that enabled a unique form of intimacy that, in turn, subverted the social emphasis placed upon race and class. Shah's insightful analysis informs us of the ways in which opium dens, and other such establishments like brothels and gambling houses, encouraged a "queer domesticity" among patrons that ran counter to the respectable domesticity lauded by white politicians as necessary for national power and the racial order.<sup>8</sup> In a similar fashion, the social relations and spaces of bathhouses in the 1980s violated the racialized norms of sexual hygiene—domesticity, intimacy, privacy, and respectability—professed by the New Right as crucial to the re-stabilization of white supremacy. The homosocial, homoerotic, and homosexual relations among men that cut across racial and class lines in bathhouses destabilized normative heterosexual marriage by providing a slew of alternatives to white

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<sup>8</sup> Nayan Shah, *Contagious Divides: Epidemics and Race in San Francisco's Chinatown* (Berkeley, CA: University of California Press, 2001).

heteropatriarchy. It was within this context of grave danger to the national order of race, class, and sexuality that policymakers implemented a number of ordinances designed to deter white, married men from venturing into bathhouses.

In this chapter, I discuss how urban renewal imperatives collaborated with public health concerns to shape the decision-making of white gay leaders in support of closing Minneapolis's last remaining bathhouse. I show that the regulation of commercial sex establishments, disguised under the veneer of HIV-prevention, facilitated the neoliberal formation of a racialized and classed politics of sexual respectability, what historian Lisa Duggan calls homonormativity, that converged with wider agendas and policies encompassing the "cleaning up" and policing of public spaces including city parks, low-income neighborhoods, and vice districts. I, thus, aim to rearticulate homonormativity as a project of white racial formation anchored to the neoliberalization of urban space. This homonormativity, I reveal, demanded the simultaneous domestication of white gay male sexuality and the criminalization of racialized sexuality. I am interested in noting how the City Council of Minneapolis and the Minnesota Department of Health through zoning ordinances and health regulations contributed to bringing an unruly group of male homosexuals under the fold of white supremacy and neoliberal capitalism. To do so, I focus on the regulation of one physical space which anchored the gay district in Minneapolis to the north: the 315 Health Club. Chapter five looks at the regulation of another physical space, Loring Park, a public park known for cruising among men, which anchored the gay district in Minneapolis to the south. Both of these sites became symbols for what prevented white gay men from entering white normativity: their sexual practices.

By mapping out the intimately-connected nature between the politics of homonormativity and the gentrification of central cities in the United States, I build upon the work of Natalia Molina and Nayan Shah who treat the institution and discourse of public health as a site of racialization, determining who has access to social membership.<sup>9</sup> I argue that private real estate discourses and practices transformed public health representations of white gay men as sexually aberrant subjects during the HIV/AIDS epidemic into neoliberal model minority citizens in the creative class economy. Nonetheless, since these assimilation strategies privileged racialized norms of sexual hygiene, including marriage and family, LGBT claims for citizenship and cultural belonging have come to largely depend upon the performance of a homonormative domestic privacy that ignores the material needs of those most marginalized and that repudiates the political underpinnings of places and practices such as bathhouses and public sex. This chapter brings to light the changing nature of the relationship between public health, urban space, city politics, and sexual communities by showing how white gay leaders used the HIV/AIDS epidemic to enhance their whiteness. These leaders, who locally included Brian Coyle, Dick Brown, and Allan Spear and who nationally included Randy Shilts, Michael Callen, and Larry Kramer, became popular by linking public discourses that linked HIV-prevention to gay civil rights.

In this chapter, I first outline the position of gay constituencies for and against a policy of bathhouse closure. Next, through the case of farm activist, Dick Hanson and his

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<sup>9</sup> Gentrification is a term coined by Ruth Glass in 1962 to describe the urban phenomena of displacement experienced by lower-class residents in cities and neighborhoods, replaced through an influx of middle- and upper class people. For a more detailed discussion of gentrification, see the introduction to this dissertation. For a discussion on the racialization of public health see: Nayan Shah, *Contagious Divides: Epidemics and Race in San Francisco's Chinatown* (Berkeley, CA: University of California Press, 2001).; Natalia Molina, *Fit to be Citizens: Public Health and Race in Los Angeles, 1879-1939* (Berkeley, CA: University of California Press, 2006).

partner, I discuss how some white gay leaders and public health officials in Minneapolis deemed bathhouses as threats to a burgeoning homonormative agenda centered on domesticity and privacy. I then present the ways that this particular gay constituency sought to shutter the 315 Health Club. I follow this by unpacking how the misleading claims by Randy Shilts in *And the Band Played On* influenced a number of white gay leaders and public health officials in Minneapolis to come out in support for a policy of bathhouse closure. The spatial regulation of such sites like the 315 Health Club and Loring Park attests to how white gay leaders relied on morality and respectability as criteria to appraise community-based membership. On the other hand, this strategy also underscores how these same leaders sought to render the presence of nonnormativity and its conditions of possibility illegible. By choosing to become valuable members of society through such a method, gay community activists validated the state's exclusionary and increasingly violent methodology for assigning social value. In reaction against America's stigmatization of gay men during the HIV/AIDS epidemic, some gay community stakeholders embraced the most racist, patriarchal and homophobic aspects of American culture that cast gay men and the racialized poor as being responsible for the HIV/AIDS epidemic.

**“AIDS Kills, Avoid Gay Bathhouses.”**

As one of the most vocal opponents of Minneapolis's bathhouse, Dick Brown, a 60-year-old gay resident and former bathhouse patron, found it his personal mission to bring awareness to the supposed dangers that bathhouses posed for the public. Brown and others like him believed that state regulation of sexuality—not condoms—served as the best form of HIV-prevention. He rejected the notion that commercial sex establishments

could ever be conducive to HIV-prevention or celebratory of sexual difference. Instead, he urged the City of Minneapolis to enforce regulations that prohibited any type of sexual conduct in semi-public spaces including bathhouses, erotic bookstores, and public parks.<sup>10</sup> The unwillingness of city officials, along with that by gay leaders and health officials, Brown argued, to recognize the inherent dangers of bathhouses enabled supposedly irresponsible patrons to continue to endanger the lives of innocent others. For their unwillingness to support the closure of the 315 Health Club, Brown accused gay leaders and AIDS advocates of a “militant cover-up.”<sup>11</sup> These “gay militants” harmed the gay male community through their tactics towards “sexual liberation.”<sup>12</sup> In particular, Brown charged openly gay Minneapolis City Council Member, Brian Coyle, and Jim St. George, chairperson of the Minnesota AIDS Project, of being “willing to send thousands of gay and bisexual men each month into an environment that poses the highest risk of spreading AIDS of any place in the state.” For Brown, Coyle and St. George were “whitewashing this 24-hour sex center as a ‘safe’ place because condoms [were]

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<sup>10</sup> In addition to picketing, Brown frequently wrote to editors of local newspapers, both gay and straight, to express his viewpoints and to openly condemn the actions of city officials. He even established the DLM Memorial Fund, “a private fund set up to give truthful information on the spread of AIDS in our Community.” Brown mailed literature, pamphlets, and newspaper clippings to city officials, admonishing them to regulate the bathhouse. Brown pleaded with city officials that closing the 315 Health Club would eliminate “a high risk environment for the spread of the deadly AIDS virus in our community” and would instead encourage so-called sexually compulsive men to simply go home. “A Moral Obligation,” DLM Memorial Fund Memo, Box 11, Folder: Bathhouse Ordinance, Brian J. Coyle Papers, The Minnesota History Center.

<sup>11</sup> In an interview with *Equal Time* in December of 1986, Brown publicly wondered why gay leaders and AIDS advocates defended the bathhouse. According to Brown, “The baths are not only a lethal place for the spread of AIDS but I also fail to understand gay politicians who defend the baths. Is that how they think of ourselves, as primarily desperate and stupid queens whose true environment is a whorehouse?” John Ritter, “The bathhouse and AIDS question,” *Equal Time*, Dec. 17, 1986.

<sup>12</sup> Brown added that these “misguided” gay leaders defended the bathhouse in an effort to preserve their power base, “a controllable gay ghetto of bathhouse and gay bars, in central downtown.” Brown’s response to Engstrom,” Dec. 28, 1987, Box 11, Folder: Bathhouse Ordinance, Brian J. Coyle Papers, The Minnesota History Center.; Dick Brown, “Reader questions keeping bathhouse open,” *Equal Time*, Feb. 4, 1987.



distributed.”<sup>13</sup> And, since “gullible” gay men were “so used to being victims, so vulnerable to manipulation,” Brown argued, they were willful participants in this “con game,” allowing themselves “to be marched right into the gas chamber at 315 First Avenue North” (Figure 4.2).<sup>14</sup>



**Figure 4.2: Brown is seen here protesting outside the 315 Health Club. John Ritter, “Dick Brown continues solo campaign to close bathhouse,” *Equal Time*, May 27, 1987.**

<sup>13</sup> In response to attending a meeting to urge that the bathhouse be closed as a high-risk center for the spread of AIDS, Brown penned a letter to the *Star Tribune* in which questioned the claim among gay leaders and AIDS advocates that bathhouses promoted safer sex practices. Brown underscored that “AIDS is spread by sexual conduct [with or without condoms]. It kills all its victims, most of whom are gay men. I cannot conceive of a more lethal place for the spread of AIDS than a public sex center.” Brown added, “That many gay leaders support the baths doesn’t say much for them. They are treating the AIDS epidemic as a political issue, not a public-health crisis.” “Letters from readers,” *Minneapolis Star and Tribune*, Dec. 6, 1986.

<sup>14</sup> In an op-ed published in *Equal Time*, a gay and lesbian-themed local newspaper, in February of 1987, Brown provided three key reasons as to why the bathhouse was one of the most dangerous places in the state. First, Brown claimed that “AIDS victims and AIDS virus carriers” purposely cruised the baths, stalking their next victim. Second, because many patrons were supposedly under the influence of alcohol and/or drugs, they were particularly vulnerable to spontaneous unsafe sex. (In a community bulletin announcing that Brown and Heim would expand their picketing of the 315 Health Club to include Friday nights in addition to Saturday nights, the *Twin Cities Gaze* seized the opportunity to castigate those who continued to frequent the bathhouse despite the mounting cases of AIDS. The newspaper substantiated Brown’s perception that those who frequented the bathhouse did so under a drug- and alcohol-induced spell: “Many bathhouse customers head for the baths late at night after getting high on liquor and/or drugs. The state health department estimates that 30,000 Minnesotans are now infected with the AIDS virus... Yet that bathhouse remains open, a convenient and lethal exchange for promiscuous sex and the spread of disease.”) And third, the large steam room on the premises offered “a good cover” for orgies. “FYI,” *Twin Cities Gaze*, 1987.; Dick Brown, “Reader questions keeping bathhouse open,” *Equal Time*, Feb. 4, 1987.; “Letters: Dick Brown responds,” *Equal Time*, Jun. 10, 1987.

Despite Brown's best efforts, city and state health officials along with gay leaders were not initially preoccupied with closing the bathhouse. In the summer of 1986, State Health Commissioner Sister Mary Madonna Ashton expressed little indication that any effort was underway to close the 315 Health Club since staff from the Minnesota AIDS Project actively provided education to employees and clients. Responding to a call from Brown to close the bathhouse, Ashton revealed that "the situation" continued to be monitored but that legal efforts to shut the bathhouse required extensive manpower and resources.<sup>15</sup> The bathhouse's management distributed free condoms, handled out safer sex information, and scheduled safer sex workshops. For this reason, management considered the bathhouse as "one of the gay community's most responsible elements in AIDS prevention efforts." Precisely because the bathhouse attracted the high-risk group of men who have sex with other men, management characterized the bathhouse as a vehicle for safer sex information—a safe space for gay and bisexual men to congregate away from disease and anti-gay hate violence on the street.<sup>16</sup>

Echoing Ashton's stance was Coyle, who in December of 1986, told *Equal Time* that he did not perceive the bathhouse as "a huge problem" since management was actively "creating an environment with fewer opportunities for unsafe sex." By then, Coyle had met with the mayor and city health officials, all of whom agreed that they did

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<sup>15</sup> Ashton looked to other cities in listing possible ways of encouraging "educational messages regarding AIDS risk reduction" at bathhouses. She predicted that the "physical environment of the bathhouse [could] be modified (such as increased lighting and removal of doors) to discourage high risk activity." John Ritter, "The bathhouse and AIDS question," *Equal Time*, Dec. 17, 1986.

<sup>16</sup> In a December 1986 interview with *Equal Time*, Kostrzab assured that the 315 Health Club was making a responsible effort to provide AIDS education to a particular group of sexually active gay and bisexual men. He said, "We are very serious in our concerns about AIDS and our role in changing the sexual practices of our community. We are a vital part of that community." Mark Brunswick, "Manager says bathhouse is misunderstood," *Minneapolis Star and Tribune*, Jun. 17, 1987.; John Ritter, "The bathhouse and AIDS question," *Equal Time*, Dec. 17, 1986.

not want to become “sex police” as long as management and staff continued with educational efforts. Although Coyle acknowledged that unsafe sex practices took place at the 315 Health Club, he did not believe that these behaviors took place to such a degree that they outweighed the benefits reaped by most patrons who took advantage of safer sex education.<sup>17</sup>

One of Brown’s most formidable foes was the Minnesota AIDS Project (MAP), the state’s largest and best known AIDS education and service provider. MAP corrected Brown that unsafe sex practices spread AIDS, *not* commercial sex establishments. In an interview with *Equal Time*, Jim St. George, chairperson of MAP, admitted, “No one would say unsafe sex does not happen [at the 315 Health Club]. But it is the activity, not the location that counts.” There was, thus, “no logical reason” for closing the bathhouse as long as safer sex continued to be disseminated inside the premises.<sup>18</sup> MAP vehemently defended the continued operation of commercial sex establishments, claiming that risk-reduction efforts in places like the 315 Health Club reached a group of men—many white gay or bisexual men who were either closeted, married, or engaged only in anonymous

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<sup>17</sup> Coyle told *Equal Time*, “I’m not naive—there may be high-risk behavior going on there.” But, Coyle reminded the public that, according to AIDS educators, bathhouses distributed “more materials and condoms than any other place in that particular high-risk district.” Ultimately, patrons were responsible for the decisions they made in regards to sex. As Coyle admitted, “I would hope [patrons are] practicing safer sex [at the bathhouse] as they would at home, but what they do in a semi-private place is their business.” For Coyle, the 315 Health Club, as “a semi-private place,” laid outside the purview of the state. As a result, he did not believe that closing the bathhouse would serve a public health benefit. If anything, closing the bathhouse would only achieve a political end. Coyle told *Equal Time* that he believed closing gay bathhouses merely lulled city officials into thinking they had done something meaningful in the fight against AIDS when, in fact, it was an “easy answer” resulting from generalized anxiety. Coyle even suggested that the closings of the well-known St. Mark’s and Mineshaft in New York City were scapegoats for the city. Bill McAuliffe, “Pickets take their AIDS message to bathhouse,” *Minneapolis Star and Tribune*, Jun. 13, 1987.

<sup>18</sup> Bill McAuliffe, “Pickets take their AIDS message to bathhouse,” *Minneapolis Star and Tribune*, Jun. 13, 1987.

sex—that otherwise might not have been reached.<sup>19</sup> MAP proposed that closing the bathhouse would only hamper outreach education. Eric Engstrom, executive director of MAP, added that a policy of closure was “counterproductive” since it would not stop men from engaging in “anonymous sexual encounters.”<sup>20</sup> It would most likely drive patrons to environments such as parks and public restrooms where they would be less likely to access safer sex education and where they would likely expose themselves to a greater risk of violent assault.<sup>21</sup>

In response to a letter by Brown in December of 1987 attacking MAP for its stance on the bathhouse, Engstrom defended the non-profit’s position, arguing that it promoted a range of practices that fell under the umbrella of safer sex including abstinence, condom use, and monogamy.<sup>22</sup> Engstrom discounted Brown’s accusations by

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<sup>19</sup> The Minnesota Alliance Against AIDS (MAAA), a non-profit “committed to ending the transmission of AIDS while respecting the rights and dignity of individuals,” agreed with MAP that the bathhouse reached a group of men who otherwise might have not been able to access HIV-prevention. In a statement outlining its stance against bathhouse closure, MAAA wrote: “Many closeted gays or bisexuals, such as suburban married men, have no other contact with the gay community and do not read gay newspapers. The only safe sex education these men receive is at the bathhouses.” MAAA underscored: “Closing the bathhouses would isolate these men from any access to safe sex education and thereby *promote* the spread of AIDS” (emphasis added).

<sup>20</sup> Stoney Bowden, a long-time gay activist and a member of the Minnesota AIDS Project board of directors, told *Equal Time* that any spread of AIDS that closing the bathhouse would have entailed would simply “go underground” as the “gay community will find more innovative ways of having sex anonymously.” John Ritter, “315 Health Club closes prior to ordinance,” *Equal Time*, Apr. 13, 1988.

<sup>21</sup> “Community Warning: Coyle Comes Out for Closing the Bathhouses,” Box 11, Folder: Bathhouse Ordinance, Brian J. Coyle Papers, The Minnesota History Center.; John Ritter, “New ordinance may close bathhouse,” *Equal Time*, Jan. 20, 1988.

<sup>22</sup> In the summer of 1987, the board of directors for MAP unanimously endorsed a position of non-closure towards the 315 Health Club. In a statement explaining its position reprinted in *Equal Time*, MAP begins by contextualizing the nature of the debate: “In recent weeks... individuals, officials and private citizens have urged the closing of gay men’s private bath houses as a matter of public health policy relative to AIDS.” MAP acknowledged that opponents opposed the bathhouse on the grounds it was the “breeding grounds” of AIDS in that it provided patrons, who were “careless, reckless, [and] promiscuous,” with access to “anonymous and serial sex, sometimes involving more than one partner simultaneously.” MAP debunked these claims. First, MAP emphasized that “it is not where you have sex that is the key vector [in transmission], nor even the type of sex (anal, oral, etc.) but whether it is safe sex or not (e.g., use of condoms).” MAP observed that one could engage in “unsafe sex” at a five-star hotel, yet partake in “safe sex” at a 4 dollar a night bathhouse. Although MAP recognized that bathhouses *did* provide an environment for sex, it insisted that there was a “great variety” to it with “[m]ost of the liaisons involv[ing] one-on-one

reporting success for MAP's safer sex campaigns. Between 1984 and 1987, the rate of sexually transmitted diseases in gay and bisexual men in Minneapolis had declined by 81 percent. Not one to miss an opportunity to fire back, Brown penned a response to Engstrom, accusing MAP of actually "being a primary factor in the spread of AIDS among gay men in Minnesota" by promoting casual sex through its HIV-prevention campaigns including the "Play It Safe" ad campaign which stressed "the fun as usual theme."<sup>23</sup> Even though MAP and others defended the continued operation of the bathhouse on the grounds that it promoted safer sex practices, Brown questioned the efficacy of condoms as "safe." Brown argued that in the context of drugs and alcohol condoms had high failure rates. He stipulated that some gay leaders were thus misleading gay men through the promotion of safer sex. Brown explained to the press, "No way in the world can you promise a cruising gay guy safe sex. I don't care how many rubbers he uses."<sup>24</sup> Brown concluded, "God knows what the failure rates [of condoms are] when used in a promiscuous and drug and liquor affected environment like the gay bathhouse where each week approximately 500 men, from the Upper Midwest and Canada, sodomize each other."<sup>25</sup> For Brown, the only "safe" form of sex for gay men was either abstinence or outright monogamy.

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relationships in the privacy of a small room after the selection of a partner." Therefore, rather than being "breeding grounds" for AIDS, the 315 Health Club operated as "a vehicle for education of a hard to reach group of gay and bisexual men, as well as [an] opportunity for the dissemination of condoms and on-site safe sex seminars, talks, videos, etc." Closing the bathhouse, MAP predicted, would "only drive gay sex underground rendering it more difficult to reach high risk groups with AIDS prevention education."

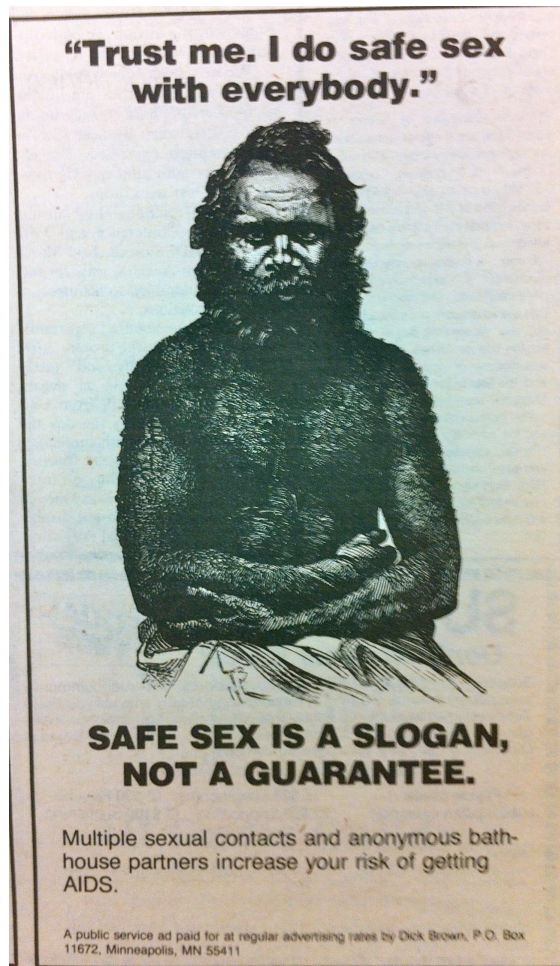
"Letters: Bath House Closing Statement," *Equal Time*, Jun. 24, 1987.

<sup>23</sup> In response to Coyle and St. George's claims that the bathhouse fulfilled "educational" needs by promoting safer sex practices, Brown asked: "Why doesn't the gay bars distribute this information?" Dick Brown, "Reader questions keeping bathhouse open," *Equal Time*, Feb. 4, 1987.

<sup>24</sup> Bill McAuliffe, "Pickets take their AIDS message to bathhouse," *Minneapolis Star and Tribune*, Jun. 13, 1987.

<sup>25</sup> Brown's response to Engstrom," Dec. 28, 1987, Box 11, Folder: Bathhouse Ordinance, Brian J. Coyle Papers, The Minnesota History Center.

Brown's opposition to condom usage was made loud and clear in a "public service ad" he paid to appear in the April 15, 1987, issue of *Equal Time* (Figure 4.3). The ad featured a stock image of a nameless, stern-looking, shirtless Aboriginal male—arms crossed—with a piece of fabric covering his lower body. On top of the image, Brown mocked: "Trust me. I do safe sex with everybody." Below the image, Brown explained: "Safe sex is a slogan, not a guarantee" and "Multiple sexual contacts and anonymous bathhouse partners increase your risk of getting AIDS." The symbolic valence of such an image is rich. Brown's use of an Aboriginal image to critique the efficacy of safer sex and condemn bathhouse patrons alludes to how Brown and white gay leaders used the HIV/AIDS epidemic to enhance their whiteness. Brown's racialized and temporalized image conveys the primitive "Other" to the white heteronormative norm of domesticity, intimacy, privacy, and respectability. Brown used a racist teleology that posited that condoms were so easy to use that allegedly less advanced races could also use them. Herein is where the fable of the tale lies: sex with condoms must not have been that safe if less advanced people were able to partake in such a practice with ease. Brown's mobilization of a racist telos conveys how white gay leaders made sense of the HIV/AIDS epidemic via the symbolic infantilization of non-white Others.



**Figure 4.3: Dick Brown's HIV-prevention ad appearing in the April 15, 1987 edition of *Equal Time*.**

Besides his incendiary tone, Brown's position was unpopular among those in positions of power within the local gay community because they maintained that commercial sex establishments operated as vital sites in the dissemination of safer sex education. Albeit, the tide of popular opinion among white gay leaders, public health officials, and city officials began to turn with the announcement that a beloved Minnesota farm activist, Dick Hanson, was diagnosed with the virus. What cemented this shift in popular opinion against the bathhouse was the revelation that Hanson might have contracted the virus at the 315 Health Club. Brown's obsession with closing the 315 Health Club was not so much different than Coyle's effort to reframe white gay men as

worthy beneficiaries of citizen rights, benefits, and protections. Both Brown and Coyle sought to circumvent the devaluing processes of homosexuality by pointing to other signs of value among some white gay men such as morality and respectability, in short, their adherence to racialized norms of sexual hygiene. Their investments underscore that gender and sexual norms were central to white gay leaders' efforts to secure their position within white heteronormativity.

### **The Universal White Family.**

From early in the epidemic, the mainstream press latched on to the narrative that those with HIV/AIDS had contracted the disease through sexual excesses or moral failings. These representations of gay men dying because of their supposed deviant sexual desires and practices served to inculcate in gay men a burgeoning culture and politics of homonormativity in which domesticity and privacy were the antidotes to disease. The discourse of personal responsibility that emerged from a politics of homonormativity, nonetheless, obscured the government and medical establishment's role in abetting the epidemic.

News accounts of people with HIV/AIDS (PWA), both in the mainstream and gay press, did not necessarily offer sound medical advice. Instead, they often dovetailed into moral anecdotes that sought to tutor wayward white gay men on the significance of adhering to racialized norms of sexual hygiene. In the December 12, 1984 issue of *Equal Time*, the editors published a profile on Bill Runyon, a thirty-something white gay man with AIDS. Although Runyon was one of the first documented cases of HIV/AIDS in



Minnesota, the story did not focus on strategies to minimize the transmission of HIV.<sup>26</sup> On the contrary, the story centered on Runyon's sexual behaviors and how those directly contributed to his infection. In the story, Runyon admitted to regretting the nature of his sex life. His relationship with his lover was not monogamous and the two participated in "three-ways." Runyon lamented, "If I had to do it over, I'd have fewer sex partners than I had and I'd exchange a lot less bodily fluids." For Runyon, the gay cultural institution of the bar, instead of providing an emotional support network during the AIDS crisis, actually facilitated his "promiscuous" lifestyle: "I was caught up in the bar scene and it was always easy for me to trick. I thought it was something attractive gay men did—go to bars, socialized, pick up tricks." Runyon's statements gave further credence to arguments made by more conservative strands of the gay community that bars and bathhouses were accessories to the infection of countless gay men. The fact that the article was titled, "Profile: Bill Runyon, *helping others fight AIDS*" (emphasis added), suggests that editors did indeed seek to spread safer sex messages.<sup>27</sup> But, since the article made no mention of condom use or other such preventive measures, we can deduce that editors sought to use Runyon himself as a warning to other gay men of the dangers of unregulated gay male sexuality.

Likewise, in its July 10, 1985 issue, *Equal Time* published the story of Howard Backer, a 24-year-old "lonely and scared" white gay man dying of AIDS at the Hennepin County Medical Center. Once again editors used the story of a PWHA to more ardently

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<sup>26</sup> By December of 1984, there had been 25 cases of AIDS diagnosed in Minnesota, with 14 of these resulting in death. J.C. Ritter, "Profile: Bill Runyon, helping others fight AIDS," *Equal Times*, Dec. 12, 1984.

<sup>27</sup> In the same issue of *Equal Time*, the editors also published a column on "how to make monogamy work for you." Among some of the listed advice included a recommendation to only socialize with other couples, the assumption being perhaps that single gay men could come between one's relationship. J.C. Ritter, "Profile: Bill Runyon, helping others fight AIDS," *Equal Time*, Dec. 12, 1984.

condemn commercial sex establishments and to call attention to the dangers of sexual promiscuity. From its opening lines, the story claimed that Backer's AIDS diagnosis was the result of his promiscuous sex life. His father was abusive and so at the age of 12, Backer cruised bars, bathrooms, and parks. Thereafter, Backer "floated" around the country, working as a "gay houseboy" then as a sex worker. If Backer did not meet someone at the bars, he allegedly ventured off to erotic bookstores and cruised until daybreak. He would stay all weekend at the bathhouses and use the same "germ-filled jar of lube" for months. Interviewed as he lay in a hospital bed, a "reflective, almost remorseful" Backer recalled, "I never took care of myself like I should have. I was sexually addicted. I couldn't stop. I liked the sleazy side of being gay—bathhouses, bookstores, [and] parks. I slept around every night. I could sleep with 10 different men in a night at the baths. And it wasn't always clean." That Backer was "far from the typical person with AIDS in Minnesota" was not only encapsulated in the article's title ("Not a typical MN AIDS case") but also in the narrative itself. *Equal Time* diligently worked to differentiate Backer from other PWHAs in the state. Without any evidence, *Equal Time* matter-of-fact claimed that the other PWHAs were older, "more settled, less promiscuous." The story also pointed out that Backer was incapable of developing a long-term, monogamous relationship. The story quoted Backer: "I always wanted a lover and never found one. Five times with one guy [having sex] was like a relationship. I never knew what a relationship was like. I never thought about getting AIDS. I was having too much fun to stop having sex. I never knew what a clean lifestyle was." As though the story's morale was not clear enough, the story ends by drawing attention to gay men who continued to risk their lives and that of "innocent others" at bathhouses.

Backer admonished, “Gay men don’t care. They’re lonely. They need a fix. Sex is as good as a drink. You go to the baths and there are still 100 men there on a Saturday night having sleazy, sloppy sex. No matter how many guys die of AIDS there will always be those addicts who can’t stop.”<sup>28</sup>

Runyon and Backer’s stories suggest that white gay men were similarly subjected to demonizing discourses that reprimanded their sexual desires and practices in much the same way people of color—Fabian Bridges and Rea Robinson—discussed in chapter three. With that said, there is a sharp difference between these two scenarios. Runyon and Backer’s stories in *Equal Time* included the “solution” to white gay men’s plight with HIV/AIDS: homonormativity. That is, white gay men *were* salvageable; sexuality was something they could overcome to reap the benefits of their whiteness and maleness. All they had to do was come into monogamous, long-term relationships. People of color, like Bridges and Robinson, could not be redeemed. For them, their sexual deviance was printed on their face. Sexual deviance for them was assumed to be racially inherent.

The one obstacle stopping white gay men from reaping the privileges of white patriarchy was the bathhouse. Commercial sex establishments, as havens for “sleazy, sloppy sex,” represented the very antithesis to white gay men achieving middle-class respectability. This connection between commercial sexual establishments and anti-homonormativity was clearly articulated in the Pulitzer Prize-winning investigative series first appearing in the June 21, 1987 issue of the *St. Paul Pioneer Press Dispatch*, the

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<sup>28</sup> For Backer, bathhouses, though key players, were not the only culprits in the HIV/AIDS epidemic. According to him, sexual addiction figured largely in the number of gay men that contracted the virus. Backer’s comments elucidate the proliferation of a medicalized discourse of sexual addiction mobilized to explain the spread of HIV/AIDS. The rhetoric of sexual addiction distracted from a much-needed anti-racist and materialist critique of the epidemic’s cultural, political, and social dimensions that, in fact, allowed the virus to proceed unabated throughout already marginalized populations. J.C. Ritter, “Not a typical MN AIDS case,” *Equal Time*, Jul. 10, 1985.

daily newspaper of St. Paul, titled, “AIDS in the Heartland.”<sup>29</sup> Even though “AIDS in the Heartland,” employed a number of tropes that mainstream media used when covering the epidemic, such as emphasizing the lack of hope for PWHAs—they all die—the investigative series, like the stories on Runyon and Backer, offered a guide on what white gay men should and should not do to safeguard against HIV/AIDS.

In the first installment to this investigative series, reporter Jacqui Banaszynski chronicled the life of “AIDS victim,” Dick Hanson with his partner of five years, Bert Henningson. Hanson, described as a devout church congregant, was a well-known liberal activist involved in the “radical farm movement” and anti-war protests in Minnesota.<sup>30</sup> Henningson, on the other hand, was a professor of international trade at the University of Minnesota, Morris. With Henningson by his side, Hanson had homesteaded his family’s century old-family farm in Glenwood, Minnesota, northeast of Minneapolis. The series framed Hanson’s diagnosis as having brought the threat of AIDS home to rural Minnesota. Yet, the series never used Hanson to instill fear in white Minnesotans, unlike with Bridges and Robinson. Quite the opposite, the series used Hanson to elicit public sympathy. “AIDS in the Heartland” was part of a burgeoning genre of AIDS commentary in which white gay men returned home from large, urban metropolises to

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<sup>29</sup> Jacqui Banaszynski of the *St. Paul Pioneer Press* won the Pulitzer Prize for feature writing for her series about the life and death of an “AIDS victim” in a Minnesota farm community. “Pioneer Press Dispatch wins journalism award; Miami Herald gets three,” *Star Tribune*, Mar. 29, 1988: 8B.

<sup>30</sup> Hanson had fought against farm foreclosures and a then-proposed West Central power line that would have witnessed the construction of a high-voltage power line snaking its way through western Minnesota. Hanson even ran for U.S. Congress in 1984. He was a lobbyist for the National Farmers Organization, a member of the Civil Liberties Union, National Organization of Women, and the Rainbow Coalition. He was also a DFL leader, elected to the Democratic National Committee in 1980 and served two terms. “Farm Activist, Democratic Leader Dick Hanson Dies of AIDS at 37,” *Twin Cities Gaze*, Jul. 30, 1987.; Jacqui Banaszynski, “AIDS in the Heartland,” *St. Paul Pioneer Press*, Jun. 21, 1987.

live out their final months with their families in rural and suburban towns across the United States.<sup>31</sup>

Prior to the first installment, the managing editor for the *Pioneer Press*, Mark Nadler, prefaced Hanson's story by explaining the editorial staff's decision to publish such a series. What made Hanson's story "compelling" was that it was "a testament to the faith and courage and good humor of a man who awakens each day to the certain knowledge of his approaching death." Besides seeking to teach its readers about "living and dying" with dignity, the *Pioneer Press* hoped to humanize the disease for Minnesotans.<sup>32</sup> Unlike producers of the *Frontline* episode discussed in chapter three who were unable to portray Bridges as a "victim," the editorial staff of the *Pioneer Press* successfully highlighted those traits of Hanson that enabled him to serve as a mirror

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<sup>31</sup> In its November 2, 1987 issue, the *New York Times* featured a story on Dean Lechner, a gay white man with AIDS who had returned to Waseca, "a quiet place of 8,000 people in the farm country of southern Minnesota," to die in the presence of his family. The story opened with the claim that "AIDS strikes most often in big cities, but many of its victims have come from small towns like Waseca." With this assertion, the *New York Times* obscured the experience of IV-drug users of color and gay or bisexual men of color, most of who hailed from urban locations due to racist real estate and federal housing policies. In so doing, the "AIDS victim" that the *New York Times* assumed as universal was a gay white man. Confirming this claim further is the *New York Times* historicizing the Great Gay Migration of the 1970s as a conditioning factor of the epidemic. The story described, "Often just out of college, many young people had left for New York or Chicago or San Francisco, ambitious and bursting with notions about life in a glamorous metropolis. For gay men, there loomed all this and more: the promise of tolerance in the city, a chance to live out loud a way of life that had been unspeakable back home." However, particularly because of this concentration of gay men in the city, HIV/AIDS spread much more easily. The *New York Times* added that "their dreams have been mocked by AIDS. And they returned to their small towns, not in triumph over successes in the city but instead to die," oftentimes returning "to Mom, because her arms are usually open, even as so many doors are slamming." Although the story rightfully challenged the characterization of small towns as bastions of homophobia, it simultaneously upheld the notion of the city as dangerous, diseased, and deviant. For the *New York Times*, HIV/AIDS traveled in one direction: from the racially aberrant city to the pristine white suburb and rural town. The *New York Times* failed to observe how the freedom of movement afforded to gay white men and white lesbians was largely denied to queers of color who still had to contend with discriminatory housing policies that prevented them from moving into "gay ghettos." Dirk Johnson, "Coming Home, With AIDS, to a small town," *New York Times*, Nov. 2, 1987.

<sup>32</sup> Writing about the importance of supplying a human face to the AIDS epidemic, Nadler explained, "We tend to write about the AIDS epidemic in terms of numerical milestones: the 200<sup>th</sup> case, the 100<sup>th</sup> death. As the numbers grow, the victims become cases rather than people; distanced from the names and faces, the rest of us grow immune to the horror." Mark Nadler, "The human story behind AIDS statistics," *St. Paul Pioneer Press*, Jun. 21, 1987.

image for white Minnesotans. The *Pioneer Press* facilitated public identification with Hanson, a white gay man, by underscoring his heteronormative familial relations.

In rendering Hanson's life grievable, Nadler underscored how Hanson *was* different from the rest of AIDS cases. This strategy underscored that Hanson was not a particularly special case; he was neither the first celebrity nor the first schoolchild infected with the virus— but Hanson was “one of us—a native Minnesotan, a farmer, a political activist, someone's son and brother and uncle.” Nadler expressed, “We tend to write about the prevalence of AIDS among drug users and homosexuals with promiscuous lifestyles who prefer to die in the anonymity of large cities.” Hanson and Henningson, Nadler concluded, were different because they “live[d] together as a committed couple with a deep relationship.” Nadler pointed out that Hanson, in his final months, had chosen to literally return home to the soil that saw his birth, the rural community of Glenwood, Minnesota. Unlike Bridges and Robinson, Hanson was “one of us” because he was not a promiscuous homosexual dying in the big city. Nadler emphasized Hanson's roots to Minnesota as a way of prodding readers' sympathy and acceptance of Hanson. He also highlighted Hanson's family ties to an imaginary, universal, white heteropatriarchal family arrangement. Hanson's social value was reproduced and passed on through his familial relations. Nadler concluded his preface by urging readers to set aside their personal biases—that is, homophobia—and instead focus on the universality of Hanson's plight: his Midwestern whiteness. Nadler pleaded with readers: “Whatever you may think of his politics or sexual orientation, it is impossible to read his story and think of him as anything other than a decent, sensitive man determined to make some sense of the tragedy that has *befallen* him and thousands of others. His is

the great tragedy of our times, and his is a story worth telling” (emphasis added).<sup>33</sup> As “one of us,” Hanson’s life was grievable; with the exception of his homosexuality, Hanson embodied the racial, class, and gender characteristics necessary to elicit public sympathy from white Minnesotans. Hanson was a victim—AIDS had *befallen* him—unlike Bridges and Robison who were portrayed as predators.

Throughout the investigative series, Hanson’s relationship with Henningson was front and central. No such mention was made of the economic, political, and social factors that allowed HIV/AIDS to proliferate in the first place.<sup>34</sup> By focusing upon Hanson’s relationship with Henningson, Banaszynski sought to debunk some of the stereotypes and myths associated with HIV/AIDS and those who carried the virus. In emphasizing the “just-like-thou” nature of Hanson and Henningson, Banaszynski related: “They are farmers who have milked cows, slopped hogs and baled hay like everyone else. Their politics and sexual orientation may disturb some. But their voices and values are most familiar, and perhaps better understood, than those of their *urban* counterparts” (emphasis added). According to Banaszynski’s assessment, the two men were farmers who just happened to be gay, unlike their “urban counterparts,” with all the racial connotations such a term entails (Figure 4.4).

Portraying Hanson and Henningson as embodying the homosexual equivalent to heteronormativity, Banaszynski described that upon celebrating five years together,

Hanson and

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<sup>33</sup> Ibid.

<sup>34</sup> In fact, the investigative series failed to correct misinformation expressed by Hanson’s family. A week before Hanson’s death in the summer of 1987, his brother visited him at the family’s farm. His brother’s wife “had forbidden [his brother] any close contact with [Hanson], worried he would carry the virus home to their five children.” Banaszynski, however, did not so much as mention that public health officials had adamantly ruled casual contact out as a mode of transmission. Ibid.



**Figure 4.4: In an ode to the famous “American Gothic” painting, Dick Hanson and Bert Henningson are photographed standing outside their farm in Glenwood, Minnesota. Jacqui Banaszynski, “AIDS in the Heartland,” *St. Paul Pioneer Press Dispatch*, Jun. 21, 1987.**

Henningson celebrated together with “a gathering of friends and an exchange of rings.” A friend even observed that the two had “figured out things many married couples never come close to figuring out.” Banaszynski’s emphasis on Hanson’s relationship with Henningson implied that companionship was the key antidote to the disease. Alluding to the series’ focus on Hanson’s relationship with Henningson, Banaszynski argued that the statistics on HIV/AIDS did not say anything in regards to “the powerful bond between two people who pledged for better or worse and meant it.” The one roadblock, however,



that could come between that bond was AIDS.<sup>35</sup> More concretely, commercial sex establishments, because they supposedly facilitated high-risk sex, were responsible for disrupting what could have been a lifelong of domestic bliss for Hanson and Henningson. Public sex at bathhouses and public parks—anything outside the private realm—threatened the social membership of white gay men in the cultural, political, and social fabric of the nation.<sup>36</sup>

The 315 Health Club, Banaszynski wrote, was ground zero for Hanson and Henningson's infection. Both Hanson and Henningson, Banaszynski described, "repressed" their homosexuality well into their 30s. As a result, Hanson spent the early 1980s exploring his homosexuality, "making up for 15 years of self-denial." He traveled to San Francisco or New York City on "political and sexual junkets." After coming to terms with his homosexuality, Hanson frequently ventured on weekend trips to the Twin Cities where he engaged in "anonymous encounters" at the 315 Health Club. Banaszynski's detailed retelling of Hanson's infection coincides with a larger pattern in which mainstream media often externalized the source of the virus to the urban and the coastal. Hanson and Backer's accounts underscore that these men regularly visited large urban centers like New York City and San Francisco where they cavorted in commercial

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<sup>35</sup> AIDS was not the only threat facing life-long, monogamous couples like Hanson and Henningson. Banaszynski recounts that after Hanson's death, officials questioned Henningson's right as "Hanson's partner and legal executor" to handle Hanson's death. Henningson told Banaszynski, "There seemed to be great poles at the time of his death and trying to shove Dick back in the closet again." Jacqui Banaszynski, "AIDS in the Heartland: The Final Chapter," *St. Paul Pioneer Press*, Aug. 9, 1987.

<sup>36</sup> Perhaps because of Hanson's seemingly "safe" nature, Hanson became one of the state's most visible PWHAs. Hanson and Henningson were frequently interviewed for local news stories and often spoke at AIDS education seminars in churches and schools throughout the state. On May 5, 1987, Hanson even addressed the state Senate's special informational meeting on AIDS. More than 250 people listened as Hanson told 45 of the state's 67 senators, "My name is Dick Hanson and I have AIDS. But I am more than a statistic; I am a human being. I love and need to be loved, I live with hope and don't take it away from me." "Dick Hanson Obituary," Box 14, Folder: AIDS, March-Aug. 1987, Brian J. Coyle Papers, The Minnesota History Center.

sex establishments. These stories confirmed the notion that AIDS originated outside Middle America. To further authenticate the direct association between foreignness and disease, Hanson and Backer's accounts harnessed preexisting medicalized discourses of urban spaces that were thoroughly racialized. White Minnesotans were, thus, reassured that HIV was a foreign malady that remained spatially segregated. Inasmuch as the source of that contagion remained relegated to large urban centers with significant populations of people of color, accounts like that of Hanson and Backer cemented the linkage between race and space.<sup>37</sup>

Even though Hanson's relationship with Henningson was front and central in both *Pioneer Press* installments, Banaszynski devoted a substantial amount of discussion to Hanson and Henningson's sexual practices to consider how these might have directly contributed to them acquiring the virus, with the narrative at times reading more like a safari travelogue. In an interview with Banaszynski, Hanson confessed, "I can point to an awful lot of anonymous, unsafe sex [at commercial sex establishments]. The likelihood is I got AIDS because of being much more sexually active." Hanson acknowledged that it was "just easier to have sex when [he] went to the Cities for the weekend" since being "on the farm was not good for developing long-term relationships."<sup>38</sup> In his sexual escapades to the Cities, Hanson came across men from neighboring states and all walks

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<sup>37</sup> Minneapolis occupied an indeterminate role in this scenario. At times, it was made to appear as urban like New York City and San Francisco to highlight its supposed cosmopolitanism. But, in other instances, it was made to appear as the heartland to reassert its moral superiority over predominantly black and Latinx large urban centers. This flexibility indexes the particularity of Minneapolis. For a deeper analysis of the interconnections between race, space, and public health, see: Natalia Molina, *Fit to be Citizens: Public Health and Race in Los Angeles, 1879-1939* (Berkeley, CA: University of California Press, 2006).

<sup>38</sup> Hanson also cited his family as a reason to why he could not become involved in a long-term, monogamous relationship. He told Banaszynski, "And what would my family think if I brought home someone important to me? So I put a big blame, if there is any, on society's pressures that we had to be anonymous and closeted." Jacqui Banaszynski, "AIDS in the Heartland: The Final Chapter," *St. Paul Pioneer Press*, Aug. 9, 1987.

of life. Hanson recalled, “There were a lot of people from Wisconsin, Iowa, the Dakotas doing the same thing. They were farmers, businessmen, teachers, [and] priests. We just had an awful lot in common, living in an environment that wasn’t acceptable to us being ourselves.” Hanson stipulated that men visited commercial sex establishments out of shame and out of an inability to come into long-term, monogamous relationships with other men. Banaszynski’s intimate account of Hanson and Henningson was meant to encourage readers to reflect upon how they themselves might have contributed to a context in which these two morally upstanding men could only explore their same-sex desires in commercial sex establishments. Banaszynski mobilized the AIDS crisis as a mechanism of white liberal reflection in the service of consolidating a discourse and practice of “Minnesota Nice.”

Banaszynski’s account infantilized these men to exorcize them of their sexual deviance. Although Hanson admitted to having had “some real special relationships” with men at commercial sex establishments, “if they suggested it just be us [Hanson] felt trapped, like they were closing in on” him.<sup>39</sup> According to this logic, Hanson was not sexually developed enough to mature into a monogamous relationship; he had only recently “come out” in his 30s. The implication of this line of thinking is that gay men who engaged in “anonymous encounters” at bathhouses had not properly undergone through a lineal process of sexual development. They were stuck in a stage of perpetual sexual immaturity, the stage of the sexual primitive in Brown’s formulation of the Aboriginal man. And, per this logic, in the context of a sexually transmitted disease, the inability of gay men to come into long-term, monogamous relationships proved fatal.

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<sup>39</sup> Jacqui Banaszynski, “AIDS in the Heartland,” *St. Paul Pioneer Press*, Jun. 21, 1987.

Under this conceptualization, promiscuity was not a reflection of sexual liberation, but rather of arrested development.

Although Hanson *could* have acquired the AIDS virus at a number of different locations and under varied circumstances (i.e. one-on-one sex in private), the *Pioneer Press* strongly suggested that the 315 Health Club was the location of Hanson's infection.<sup>40</sup> In speculating that Hanson acquired HIV through casual anonymous sex at the 315 Health Club, before or even during his relationship with Henningson, Banaszynski revealed, "It had been four years since [Hanson] had indulged in casual weekend sex at the gay bathhouse in Minneapolis, since he and Henningson committed to each other." Up to that point, Banaszynski recounted, "Sex outside their relationship had been limited and 'safe,' with no exchange of semen or blood."<sup>41</sup> Banaszynski's use of quotation marks around the word "safe" is significant. It could very well have been an indictment against gay leaders for lauding certain sexual practices as more or less risky than others. The most likely use of quotation marks around the word "safe" is meant to cast doubt on Hanson's claim that sex outside any monogamous relationship could truly be safe, with or without condoms.

As the location where Hanson could have acquired HIV, the 315 Health Club destroyed that "powerful bond" between these two men—death was imminent. As an institution that hampered homonormativity, the bathhouse undermined any and all such efforts by white gay men to be included within the body politic of the nation-state as

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<sup>40</sup> Henningson believed Hanson contracted the virus in 1980, before the met at a political convention in 1982. Henningson, thus, believed he contracted the virus from Hanson. Although the two exchanged private vows of commitment, they agreed to an open-relationship, "a not uncommon arrangement among gay couples," according to Banaszynski. Jacqui Banaszynski, "AIDS in the Heartland: The Final Chapter," *St. Paul Pioneer Press*, Aug. 9, 1987.

<sup>41</sup> Jacqui Banaszynski, "AIDS in the Heartland," *St. Paul Pioneer Press*, Jun. 21, 1987.

citizens. And, since Banaszynski stressed that Hanson's story was not an unusual instance of casual anonymous sex at a bathhouse, the public was compelled to consider how many other instances of HIV transmission were traceable back to such an establishment. Banaszynski encouraged readers to ponder how many other long-term, monogamous relationships among white gay men were similarly preempted.

As with most stories on PWHAs, Hanson died on July 25, 1987, at the Hennepin County Medical Center, with Henningson by his side.<sup>42</sup> At a celebration of Hanson's accomplishments soon after he publicly revealed his diagnosis, openly gay State Senator Allan Spear applauded Hanson with challenging everyone to fight the battle against the spread of HIV. In commemorating Hanson, Spear declared, "Dick Hanson is not a source of despair in spite of the times. He characterizes this as a time of hope and not turning back. We as a community are more united than ever. The time will come when we can live our lives with respect. His determination, courage and hope will bring a justice that will prevail."<sup>43</sup> Here, Spear used Hanson and Henningson as the iconic symbol for all gay men. Although Spear made no such mention of how Hanson's AIDS diagnosis would bring "justice," it is possible that Hanson's diagnosis and subsequent death inspired other white gay leaders and public health officials to reconsider their position on commercial sex establishments.<sup>44</sup> Unlike New York City and San Francisco, local government in

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<sup>42</sup> At the age of 41, Henningson died of AIDS-related complications on May 9, 1988, at a hospital in Ortonville, his hometown in western Minnesota where he returned the previous summer to live his final months with family. Before his death, Henningson wrote the epitaph for the AIDS memorial quilt that carried his and Hanson's name. It read: "Openly gay and at home on their family farm in rural Minnesota, their love ran deep as the prairie soil." John Ritter, "Bert Henningson—farmer, activist—dies at age 41." *Equal Time*, May 25, 1988.

<sup>43</sup> "Words of Love Say 'Thank You' to Activist Dick Hanson," *Twin Cities Gaze*, Oct. 3, 1986.

<sup>44</sup> In an interview with *Equal Time* after Henningson's death, Coyle explained how Henningson and Hanson had impacted him. "He and [Hanson] loved one another passionately. They taught me a lot about gay love and courage." Ibid.

Minneapolis was not initially interested in closing the city's last remaining bathhouse. That changed with Hanson's death and with the arrival of Randy Shilts to the cities to promote his book, *And the Band Played On*. In view of the fact that bathhouses undermined a culture and politics of homonormativity, they were threats to the institutions of white supremacy, patriarchy, and neoliberal capitalism.

### **The Anti-Bathhouse Ordinance.**

The controversy surrounding bathhouses received widespread attention in coastal cities like New York City and San Francisco. Less has been written about the extent to which other localities, like the Twin Cities, attempted to close and/or regulate bathhouses. While the bathhouse debate pitted gay leaders and AIDS advocates against one another in New York City and San Francisco, the bathhouse debate in Minneapolis remained relatively quiet—initially. For one, Minneapolis experienced the brunt of the epidemic later than did coastal cities. And, most bathhouses in Minneapolis had already fallen to urban renewal by the time the HIV/AIDS epidemic hit. However, beginning in the summer of 1987, after the death of Dick Hanson, the tide of public opinion against the city's last remaining bathhouse began to shift.

At a performance review of the city's health commissioner, David Lurie, the president of the City Council, Alice Rainville, accused Lurie of not doing enough to curb the spread of the epidemic. She publicly divulged to the *Star Tribune* that she had grown frustrated with the lack of identifiable results produced by Lurie and his office.<sup>45</sup> For that

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<sup>45</sup> Rainville stated, "I questioned [Lurie] about what his division was doing about the epidemic. I've been asking the question for 18 months. We have charged [Lurie] to deal with this and it looks like we're finally going to get some action." Rainville added, "My anger has been we have not pursued this. We have been intimidated and paralyzed." Rainville added, "We're charged with protecting the public health in public buildings." Rob Hotakainen, "Ordinance would battle 'high-risk' sex," *Star Tribune*, Jan. 20, 1988.

reason, Rainville instructed Lurie to review how other cities had resolved the bathhouse issue. Rainville might have been encouraged into action not only by Hanson's death but also by Dick Brown's incessant mailing campaign. Between June and August of 1987, Brown mailed several copies of a report titled, "How AIDS was spread in Minnesota," to members of the City Council, including Rainville and Sandra Hilary, chairperson of the Public Health and Safety Committee. In those mailings, Brown made several suggestions about potential architectural changes to the 315 Health Club.

Perhaps sensing that the closure of the bathhouse was unlikely given the then-unpopularity of such a position in the Twin Cities, Brown proposed a compromise that consisted of making a number of structural changes to the bathhouse to render it "a less hazardous, and lethal environment." In the memo accompanying the report, Brown asked the city to close "the entire third floor area, consisting over 50 private sex rooms." He recommended that the city require "white lighting of 150 watts or more" in the steam room, shower rooms, sauna, and whirlpool area. He also suggested that the city require the bathhouse to close at midnight "to discourage drug abuse and drug dealing and to discourage patronage by late night customers of nearby gay bars who come to the bathhouse high on liquor and/or drugs after the bars close." So adamant was he about the relationship between drugs and alcohol with high-risk activity that he proposed no one under the influence of drugs or alcohol be admitted. Brown ended the memo by insisting that it was the "moral obligation" of health officials and city council members to address the threat posed by commercial sex establishments. He pleaded with the city to "pass laws as soon as possible to control operations such as bathhouses to prevent the city from ever again becoming victimized by bathhouse owners who prey upon the vulnerable

without regards for morals, ethics, or the public health and safety of our community.”<sup>46</sup>

Failure by the city to pass such an ordinance, Brown predicted, would result in the Twin Cities witnessing similar rates of infection as those seen in New York City and San Francisco.

In response to Rainville’s request, Lurie submitted a memorandum on September 1, 1987, to the Executive Committee of the City Council in which he discussed the relationship between commercial sex establishments and AIDS transmission. Up to that point, the Minneapolis Department of Health had opted for supporting educational efforts in such so-called “high-risk” settings. But, given the course of the epidemic and “the implication that high risk behavior may be continuing to occur at significant levels in commercial establishments,” Lurie recommended that the city reconsider its stance towards commercial sex establishments. He ruled, “based on professional public health input,” that “establishments which facilitate high risk behaviors, such as anonymous sexual contact, and/or intercourse with multiple partners, are most likely to be contributing factors to the transmission of the AIDS virus.” As a result, Lurie recommended “consideration of a City policy prohibiting high risk behavior in commercial establishments and adoption of progressive enforcement measures to be applied to establishments which condone or exist for the purpose of such behavior.”<sup>47</sup>

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<sup>46</sup> “A Moral Obligation.” DLM Memorial Fund Memo, Box 11, Folder: Bathhouse Ordinance, Brian J. Coyle Papers, The Minnesota History Center.

<sup>47</sup> In an August 18, 1987, letter to Hilary, Lurie wrote that in order to legally force the closure of commercial sex establishments, there had to be established evidence that patrons were engaging in high-risk sexual behavior. In that letter, Lurie mentioned that the City Attorney was considering “regulation or monitoring” of the bathhouse similar to “the Denver regulation.” Lurie’s reference to the Denver regulation referred to a regulation adopted in 1986 in Denver which required bathhouse compliance with structural standards, prohibited unsafe sex, enabled health department monitoring, and authorized closure for non-compliance. In the literature he mailed out that summer, Brown had allegedly made several suggestions about changes to the 315 “consistent with or similar to the Denver model.” In other words, there was a



Lurie's memorandum outlined the first official action by the City of Minneapolis to curtail customer activities at the 315 Health Club.<sup>48</sup>

Upon consultation with the city attorney's office, Lurie reviewed local ordinances, state laws, and legislative action implemented by other jurisdictions, including Denver, New York City, and San Francisco.<sup>49</sup> In a letter to Hilary on January 15, 1988, Lurie suggested that the city consider an ordinance similar to that enacted in Marion County, Indiana, since it was a "good option" for addressing the public health concerns of all those involved while also meeting "legal standards" regarding the privacy of those impacted.<sup>50</sup> The Marion County ordinance proved appealing to Lurie as a federal court had already upheld its constitutionality.<sup>51</sup> Four days later, at a meeting of the Public

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direct confluence between the recommendations made by Brown and the policy changes proposed by Lurie. Mark Kasel, "Are Controversies at 315 and River Flats Headed for Negative Outcomes?" *Twin Cities Gaze*, 1986.; "Memorandum from David Lurie," Box 11, Folder: Bathhouse Ordinance, Brian J. Coyle Papers, The Minnesota History Center.; Tim Campbell, "Politicos eye "progressive measures" against commercial sites where AIDS could be spread," *GLC Voice*, Sep. 8, 1987.

<sup>48</sup> In an interview with *Equal Time*, Lurie rejected the notion that his proposal to prohibit high-risk sexual behavior in commercial sex establishments was aimed at closing the 315 Health Club. Lurie continued to emphasize education as a means of stopping the transmission of AIDS. In the proposal, Lurie did not specifically name the bathhouse or the X-rated theaters and adult bookstores. Still, when asked if he thought the policy would lead to closing the bathhouse, Lurie replied, "Not necessarily so. The policy discourages high risk activities" and a business could continue to operate so long as its activities were monitored. John Ritter, "Health commissioner's proposal on 'high-risk' establishments," *Equal Time*, Sep. 16, 1987.

<sup>49</sup> Given the number of constitutional issues related to privacy involved in bathhouse closure, Lurie reviewed policies from other municipalities to determine what had been contested and upheld.

<sup>50</sup> "David Lurie Letter to Sandra Hilary," Jan. 15, 1988, Box 11, Folder: Bathhouse Ordinance, Brian J. Coyle Papers, The Minnesota History Center.

<sup>51</sup> The United States District Court for the southern District of Indiana ruled the Marion County ordinance did not impose any restriction on the plaintiff's right to show whatever films or entertainment he desired to offer. The court also found that this ordinance and its accompanying regulations did not "infringe" on the plaintiff's First Amendment Rights. The court determined that the ordinance and its structural regulations did not regulate speech based on the content of the entertainment, but rather its secondary effects, for instance, multiple sexual encounters that enabled the spread of HIV. The court also ruled that a substantial government interest was involved, that the evidence was sufficient to show that the ordinance fulfilled that interest, and that the ordinance allowed for "reasonable, alternative avenues of communication." Clean Up Project Letter to Fraser, Jan. 4, 1988, Box 11, Folder: Bathhouse Ordinance, Brian J. Coyle Papers, The Minnesota History Center.

Health Advisory Committee, Lurie distributed a copy of a proposed Minneapolis ordinance modeled after the Marion County ordinance.<sup>52</sup>

The major focus and emphasis of the ordinance was to prohibit *any* commercial establishment, structure, or premises to operate for the purpose of permitting high-risk sexual activity. The ordinance sought to limit anonymous sex by altering the interiors of these sex-oriented commercial buildings. It prohibited apertures—gloryholes—in the buildings’ partitions, which were designed to facilitate anonymous oral and anal sex between people on either side. Additionally, the ordinance required lighting in all booths, stalls, or rooms that were used to view movies, and it required that at least one side of such areas be open and visible to people in adjacent rooms. Another provision of the ordinance made it illegal for commercial buildings to offer private rooms or accommodations to patrons unless the business was a “validly operating” hotel, motel, apartment complex, condominium or rooming house. Finally, the ordinance conferred “full power and authority” to the Office of the Health Commissioner to inspect businesses that “may be a site of high-risk sexual conduct.” If these structural changes were not taken and businesses continued to enable high-risk sexual activity, health officials would then implement a series of enforcement steps.<sup>53</sup> First, health officials

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<sup>52</sup> “Public Health Advisory Committee Meeting Minutes,” Jan. 19, 1988, Box 11, Folder: Bathhouse Ordinance, Brian J. Coyle Papers, The Minnesota History Center.

<sup>53</sup> Critics of the bathhouse ordinance were most preoccupied with its enforcement, whether it would focus on management or patrons. Even Coyle, who came to support the ordinance, was concerned about enforcement of the ordinance given the history of police harassment in commercial sex establishments: “I’m not eager to have the police or health department using entrapment to build evidence for action.” Coyle worried that the ordinance would legally authorize law enforcement authorities with the power to harass and arrest gay men. City Council Member Sandra Hilary, Chair of the Public Health and Safety Committee, developed an enforcement plan that established a timetable of about 90 days for compliance. First, health officials would survey those businesses impacted. They would then issue orders, if any, to comply with the ordinance. Hilary assured that enforcement would be aimed at locations and management, not patrons. John Ritter, “315 Health Club closes prior to ordinance,” *Equal Time*, Apr. 13, 1988.; John Ritter, “Should the bathhouse be regulated,” *Equal Time*, Feb. 17, 1988.

would send out a notification to the establishment notifying management what had to be changed. If these “violations” were not addressed, the establishment would receive a formal notice and it would be labeled a “hazardous site.” If non-compliance persisted, the Office of the Health Commissioner would move in and close the premises. The city attorney, Bob Alfton, estimated that the ordinance would have impacted anywhere from 12 to 14 businesses.<sup>54</sup>

The ordinance determined that those establishments that did not comply with the regulations be labeled “hazardous sites.” Interestingly enough, the federal government likewise used this term after World War II to designate neighborhoods that were “undesirable,” or predominantly black and/or Latinx. Homes in “hazardous sites” were subsequently denied access to federally insured home loans, thus, fueling residential segregation and socio-economic disparities. It is noteworthy that the City of Minneapolis used this same language to designate commercial sex establishments that were not complying with city-mandated public health measures. What this suggests in the latter case is that sexual deviance, or non-conformity to prescribed public health norms, was articulated through the language of race.<sup>55</sup>

City officials understood the bathhouse as the material manifestation of both racial and sexual Otherness. The establishment underscored the difference from and danger to white American heterosexual family life. As such, city officials conceived of the bathhouse and the public sexual cultures that abutted it as the preeminent sites of depravity and disease in Minneapolis, in desperate need of intervention. After the Public Health Advisory Committee voted to support the ordinance, Hilary introduced the

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<sup>54</sup> Ibid.

<sup>55</sup> See chapter six for a detailed discussion of postwar race-based federal housing policy.

ordinance before the Public Health and Safety Committee. Hilary was frank and direct in her stance. She reported to the press: “This is not a discussion for the faint-hearted...but this is a problem for all of us. I want to deal with this in a straightforward fashion.”<sup>56</sup> Hilary believed that by not acting on the issue, the City Council was “offering people opportunities to die.”<sup>57</sup> Though the ordinance could have easily been interpreted as anti-sex and homophobic, Hilary assured that the ordinance did not stem from a moralistic point of view, but from a public health perspective. Since both Hilary and Rainville did not believe the “at-risk community” capable of practicing personal responsibility in its sexual behaviors, they believed it the duty of the City Council to ensure gay men would not acquire, or most likely spread, the deadly virus.<sup>58</sup>

The ordinance garnered heavy endorsement from city and state officials who were swayed by Hilary and Rainville framing the ordinance as an expedient solution—one of life and death—to the HIV/AIDS epidemic made by rational-minded people. City Council Member Dennis Schulstad, who also sat on the Public Health and Safety Committee, estimated that the ordinance would pass “[p]robably 13-0 with the mayor’s signature,” before adding, “Nobody on the council, or the mayor, are in favor of pornography or lewd sex acts.” Although Hilary commended the ordinance as public health legislation, it is clear from Schulstad’s comments that for some the ordinance did in fact fulfill a moralistic agenda. The anti-pornography movement, in particular, heavily

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<sup>56</sup> Rob Hotakainen, “State officials endorse Minneapolis plan to fight AIDS//Proposed ordinance seeks to curb ‘high-risk’ sex,” *Star Tribune*, Jan. 22, 1988.

<sup>57</sup> Rob Hotakainen, “Ordinance would battle ‘high-risk’ sex,” *Star Tribune*, Jan. 20, 1988.

<sup>58</sup> *Ibid.*

endorsed the anti-bathhouse ordinance.<sup>59</sup> The influence of the anti-pornography movement was more pronounced in St. Paul's very own commercial sex establishment legislation.<sup>60</sup>

As one of the architects of the ordinance, Hilary predicted the plan would easily pass the City Council. In an interview with the *Star Tribune*, Hilary invalidated the opposition by insisting, "The phone has not been ringing off the hook on this."<sup>61</sup> At a hearing for the ordinance, Hilary sighed, "We've been very sensitive to people's feelings. We've been overly sensitive. But reasonable people are coming to the same conclusion, no matter who they are."<sup>62</sup> For Hilary and Rainville, this was not a gay rights issue. Instead, this was a robust approach in the fight against AIDS. Their success in framing

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<sup>59</sup> Although anti-pornography lesbian-feminists had previously been at the forefront of the campaign to shut down commercial sex establishments in the Twin Cities, by 1988, the anti-pornography movement in the Twin Cities had been largely taken over by religious conservatives as lesbian-feminists had abandoned the anti-pornography movement due to legal setbacks. The latest incarnation of the anti-pornography movement did support a policy of architectural changes to commercial sex establishments as HIV-prevention. On January 4, 1988, Robert P. Heinrich, Director of the Clean Up Project, the Minnesota Clearinghouse to Eliminate Pornography, penned a lengthy letter to the mayor, the city council, the city attorney, and the city health commissioner of Minneapolis. The letter conveyed the group's utmost support for the regulation of commercial sex establishments to halt the spread of HIV. Heinrich described how other cities throughout the country had similarly enacted health ordinances designed to decrease the spread of HIV "by establishing minimal, structural standards in commercial premises." Treating bathhouses as "incubators for the dreaded disease AIDS," Heinrich urged every "governmental entity that has within its power and authority some means to slow this terrible epidemic must in conscience study these means, pass ordinances and establish regulations that will save lives." He pleaded with policymakers to consider the innocent lives that would be lost to the disease if the ordinance were not passed: "Do not be lost in First Amendment smokescreen that selfish individuals raise to protect their evil enterprises. Please act to protect all the members of society, even those yet unborn from this terrible killer, AIDS." Clean Up Project Letter to Fraser, Jan. 4, 1988, Box 11, Folder: Bathhouse Ordinance, Brian J. Coyle Papers, The Minnesota History Center.

<sup>60</sup> In the summer of 1987, the St. Paul City Council passed a similar ordinance making it illegal to have doors on private movie booths at X-rated theaters. The city council hoped that by passing such legislation they would curb sexual activity that took place in the booths. The measure, which was approved unanimously, required all viewing areas in movie arcades to be visible from a main aisle by prohibiting the use of doors, walls, or curtains that obstruct the view into the booths where films were displayed. The ordinance was patterned after a similar measure in Newport, Virginia that had been upheld in federal court as a valid restriction of freedom of speech. If a building were not up to code, police, building inspectors, and the city's licensing division could refuse to issue licenses to such businesses. Chris Ison, "St. Paul bans doors on sex film booths," *Star Tribune*, Jul. 2, 1987.

<sup>61</sup> Rob Hotakainen, "Law to reduce spread of AIDS passes hurdle," *Star Tribune*, Mar. 22, 1988.

<sup>62</sup> Rob Hotakainen, "Coyle in dilemma on vote to curb high-risk sex," *Star Tribune*, Mar. 30, 1988.

the ordinance as such was reiterated in public support.<sup>63</sup>

On the same day that Hilary introduced the ordinance to the Public Safety and Health Committee, Minnesota's top-ranking health official, Health Commissioner Sister Mary Madonna Ashton, endorsed the controversial Minneapolis plan with written testimony. In the letter, Ashton proclaimed that the ordinance would reduce the number of Minnesotans who became infected with the virus by eliminating opportunities for "at-risk people" to engage in "high-risk" sex with multiple partners.<sup>64</sup> At the time city and health officials considered the ordinance, the Twin Cities region had 87 percent of the state's AIDS cases. Minneapolis alone accounted for 53 percent of the 307 cases reported to the state by January 18, 1988. Health officials were not the only ones to mobilize in support of the ordinance. Dean Severson, a Minneapolis Police Department vice officer, filed an affidavit with the Public Safety and Health Committee in which he claimed to have made hundreds of arrests from 1982 to 1988 in erotic bookstores and saunas for indecent conduct and prostitution. Severson recounted witnessing men masturbating and engaging in fellatio and unprotected anal intercourse with strangers.<sup>65</sup>

Originally, the ordinance defined "high risk sexual conduct" as fellatio and anal intercourse. However, City Council Member and future Mayor of Minneapolis, Sharon Sayles Belton, a black woman, perhaps with the case of Rea Robinson in mind, asked that the definition be expanded to include vaginal intercourse to prevent female prostitutes

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<sup>63</sup> At a hearing before the Committee, a concerned resident applauded the committee for considering the plan: "It's about time somebody stood up and did something. It involves human lives...When people are dying, everything possible should be done." Rob Hotakainen, "Law to reduce spread of AIDS passes hurdle," *Star Tribune*, Mar. 22, 1988.

<sup>64</sup> She concluded the letter by reiterating that state health officials, including Mike Moen, Head of the Minnesota Department of Health, and Mike Osterholm, State Epidemiologist, "fully support[ed] your effort in this regard."

<sup>65</sup> Rob Hotakainen, "State officials endorse Minneapolis plan to fight AIDS//Proposed ordinance seeks to curb 'high-risk' sex," *Star Tribune*, Jan. 22, 1988.

from spreading the disease. Wording was subsequently changed to include “vaginal intercourse with persons who engage in sexual acts in exchange for money.” The inclusion of vaginal intercourse and fellatio, relatively low-risk sexual acts, suggests that the aim of the ordinance may have been more than mere HIV-prevention. After all, at the time, only two percent of Minnesota’s total cases of AIDS were attributed to heterosexual transmission.<sup>66</sup>

On February 6, 1988, the Public Health Advisory Committee voted in favor of the proposed anti-bathhouse ordinance.<sup>67</sup> Several weeks later, on March 21, 1988, the Public Health and Safety Committee passed the controversial measure. Although no representatives from the 315 Health Club or the adult entertainment industry spoke at the committee hearing, a portion of the audience characterized the ordinance as a political measure, not a health matter. Critics accused the ordinance of being anti-gay and of being part of a politically expedient moral campaign to rid the city of commercial sex establishments, not AIDS.

The bathhouse ordinance sparked widespread debate among gay men in the Twin Cities. Some gay men shouted their opposition to the ordinance insisting that the 315 Health Club, which distributed free information on safer sex, was the only educational outlet for some men who had sex with other men, namely bisexual married men. They argued that approving the ordinance, therefore, would actually promote the spread of HIV/AIDS by eliminating those educational efforts. Critics also opposed the ordinance

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<sup>66</sup> Lewis Cope, “State’s 155 cases fewer than 1 percent of U.S. total,” *Minneapolis Star and Tribune*, Jan. 18, 1987.

<sup>67</sup> The committee endorsed the ordinance “as one limited approach to preventing AIDS.” It encouraged “the continuation and expansion of other broader based education and risk-reduction activities as well.” “Public Health Advisory Committee March Meeting Minutes,” Box 11, Folder: Bathhouse Ordinance, Brian J. Coyle Papers, The Minnesota History Center.

on the grounds that it rid the built environment of identifiably gay spaces. (The 315 Health Club anchored the gay district of Minneapolis to the north.) At the first public hearing on the bathhouse ordinance, Robert Halfhill of the Minnesota Alliance Against AIDS testified against the plan by accusing the Public Health Advisory Committee, “What are you going to close down next?” Likewise, the *Twin Cities Gaze* suggested the possibility of a domino effect whereby other gay (and lesbian) community institutions would be targeted for closure including adult bookstores, massage parlors, and even the YMCA.<sup>68</sup>

As one of the most vocal opponents of the ordinance, Tim Campbell, editor-in-chief of the local bi-weekly publication, the *GLC Voice*, expressed what he perceived to have been the true motives of the ordinance.<sup>69</sup> At the hearing, Campbell contended, “It’s an ordinance against gay sex. It’s an ordinance about morality, not about health or high-risk sex. It’s an ordinance to close down bookstores and our bathhouse under the guise of getting at high-risk sex.”<sup>70</sup> Campbell pointed out that the bathhouse ordinance made no

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<sup>68</sup> Coyle rejected “the whole alarmist view” that the bathhouse ordinance would lead to a crackdown on gay public life including gay bars. Rob Hotakainen, “Coyle in dilemma on vote to curb high-risk sex,” *Star Tribune*, Mar. 30, 1988.; “MPLS. Health Commissioner Begins Anti-Tubs Campaign,” *Twin Cities Gaze*, 1988.

<sup>69</sup> In its May 19, 1986 issue, the *GLC Voice* printed a letter penned by a disgruntled reader that accused Campbell and the *GLC Voice* of facilitating the spread of AIDS by defending the 315 Health Club. The letter writer claimed, “The Memorial Day Vigil Service [for people with AIDS] should be held right in front of [the 315 Health Club] or any [erotic] bookstore.” The letter writer insisted that what “we need is help in stopping out of control sexual addiction and that means you, me, all of us.” Campbell responded to the letter by defending the *GLC Voice* as “probably Minnesota’s most viable tool [in] fighting the spread of AIDS.” He argued that the newspaper was “more helpful than the MN Health Department with all its waste and MAP with all its slowness.” As far as the bathhouse, Campbell emphasized that the “315 also does a lot of educating about condoms and AIDS. People who are going to practice unsafe sex will do so inevitable. 315 helps persuade people not to practice unsafe sex and provides condoms for people.” “Letters: Campbell will be sorry!” *GLC Voice*, May 19, 1986.

<sup>70</sup> Campbell relied on a wide array of arguments, strategies, and vocabularies to defeat ordinance. He testified before the City Council’s Public Health and Safety Committee that the “homophobic” and “politically opportune” plan would eliminate 65 to 70 jobs in the commercial sex establishments. Finally, Campbell publicly re-imagined the buildings housing these commercial sex establishments as symbols of the gay rights movement because the city lacked an identifiable gay cultural enclave like Chicago, New



such mention of places like single bars where heterosexuals met and arranged sexual liaisons.<sup>71</sup> Campbell urged the plan be rejected, and if it were approved, that fellatio be excluded because of its low-risk nature. He disputed the ordinance's claims by professing that the spread of AIDS among gay men in the Twin Cities had "virtually stopped." Health officials affirmed the opposite maintaining the continued threat of AIDS. By March of 1988, Minnesota had witnessed 332 cases of AIDS, half of which had resulted in death. The Minnesota Health Department predicted the state would experience 1,350 to 1,850 cases by the end of 1990.<sup>72</sup>

Many gay men in the Twin Cities wrote letters to gay leaders and the gay press to express their opinions on the ordinance. In a letter to Brian Coyle, a local gay male resident defended the bathhouse as a safe space where men were more compelled to practice safer sex given the messages that circulated throughout the premises. The letter writer exclaimed that if the bathhouse were closed "many patrons may choose to take partners home, where the chances of transmission (anal intercourse in bed!) are greater!"<sup>73</sup> Echoing these sentiments was one of the managers of the 315 Health Club,

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York, and San Francisco. Rob Hotakainen, "Law to reduce spread of AIDS passes hurdle," *Star Tribune*, Mar. 22, 1988.; Rob Hotakainen, "State officials endorse Minneapolis plan to fight AIDS//Proposed ordinance seeks to curb 'high-risk' sex," *Star Tribune*, Jan. 22, 1988.

<sup>71</sup> MAAA echoed Campbell's characterization of the bathhouse ordinance as anti-gay. In a statement, MAAA pointed to "the homophobia implicit in ignoring heterosexual saunas" since "straights can spread AIDS too." "Community Warning: Coyle Comes Out for Closing the Bathhouses," Box 11, Folder: Bathhouse Ordinance, Brian J. Coyle Papers, The Minnesota History Center.; Tim Campbell, "Politicos eye "progressive measures" against commercial sites where AIDS could be spread," *GLC Voice*, Sep. 8, 1987.

<sup>72</sup> Rob Hotakainen, "Law to reduce spread of AIDS passes hurdle," *Star Tribune*, Mar. 22, 1988.

<sup>73</sup> In another letter to Coyle, a local gay male resident offered a materialist critique of the ordinance. He claimed that the ordinance unfairly targeted working-class gay men who could not afford to rent VHS copies of pornographic films and view them in private. The resident wrote, "If you're rich (not you personally, of course) you just rent a movie to play on your sophisticated (expensive) equipment. If you're poor and want to view an erotic movie you must go to a bookstore. To lean on bookstores, to make the experience less pleasant than it already is, affects only certain people. People who can't afford much alternative." The resident pointed out that the type of privacy the ordinance promoted was class restrictive and, as a result, would exclude a number of gay and bisexual men. He also included a personal jab at

Martin Kostrzab who believed that the more sexually active clientele of the bathhouse was more likely to follow safer sex practices at the premises than gay men who brought someone home from a bar once a month. This latter group of individuals, he argued, assumed there was less risk for transmission because of fewer contacts. Another manager of the 315 Health Club, Ron DeSilva, also reiterated that closing the bathhouse would have forced “sex out on the streets” where men could not be as easily reached.<sup>74</sup> In a lengthy statement opposing efforts to close bathhouses, the executive committee of the Minnesota AIDS Project agreed with Silva.<sup>75</sup>

Although a majority of gay men in the Twin Cities opposed the ordinance, at least those who wrote letters to the gay press and to Coyle, a number of other gay men endorsed it. In the November 12, 1986, edition of *Equal Time*, editors published a letter from a Milwaukee gay man who claimed to have observed unsafe sex during a visit to a Minneapolis erotic bookstore. The gay man opened his letter by outlandishly reminding

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Coyle, suggesting that Coyle’s class positionality prevented him from understanding the experiences of working-class gay men who frequented the bathhouse or erotic bookstores. “Letters to Coyle Opposing Bathhouse Ordinance,” Jan. 21, 1988, Box 11, Folder: Bathhouse Ordinance, Brian J. Coyle Papers, The Minnesota History Center.

<sup>74</sup> DeSilva argued that out in the parks or the bars, men would be confronted with a heightened risk for violence and where, under the influence of alcohol and/or drugs, they could be less likely to practice safer sex. For these reasons, DeSilva defended the bathhouse as playing an important role in educating men on safer sex practices. DeSilva recognized that sex went on at the bathhouse. He told *Equal Time*, “Newspapers have been misleading in suggesting that you catch AIDS simply by having sex,” before adding, “We’re not going to stop people from having sex. You have to be a fool to think you can. But we can educate on how to have sex. Criticism has focused on bathhouses and it shouldn’t be.”

<sup>75</sup> The Minnesota AIDS Project statement on bathhouses was prompted by a bill passed by the U.S. House of Representatives authorizing the U.S. Surgeon General with the power to close massage parlors bathhouses. The House measure was tied to a \$189.7 million appropriations bill for research and other activities. Eric Engstrom, executive director of MAP, called the move “grandstanding on the part of politicians” since the Surgeon General already possessed the power to act in a health emergency. The MAP statement on bathhouses read: “We look upon closing of the bathhouses as counterproductive. We look upon the bathhouses as a logic place to air some of our educational programs toward a group of sexually-active individuals who otherwise might be difficult to reach. We strongly feel that the primary method for reduction of the spread of AIDS should be through an educational program. Methods that could lead to the education of the spread of AIDS need to be discussed.” J.C. Ritter, “Goal at 315 Health Club is building new social image,” *Equal Time*, Oct. 30, 1985.

readers of the severity of the disease: “This may come as a surprise to the people of Minneapolis, but there is an AIDS epidemic in this country” with “as many as 3,000,000 people infected...including some in Minneapolis.” Despite the seriousness of the epidemic, the letter writer revealed that he witnessed “hordes of people still having sex with multiple partners in your bookstores...I noticed one young man who entered at least four cubicles to have sex with their occupants.” The letter writer then proceeded to post a number of rhetorical questions of gay men in Minneapolis: “Do the people of Minneapolis know that you can get AIDS from oral sex, as well as anal sex? Do the people of Minneapolis care enough about their fellow human beings to do the responsible thing and be tested for the AIDS virus? Why are some people so selfish and self-centered that they are unwilling to control their sexual habits?” The letter writer concluded his letter by demanding that “health officials in Minneapolis and elsewhere need to close down these sexual play pens as deadly health hazards.”<sup>76</sup>

In response, an employee from one of the erotic bookstores in Minneapolis wrote a letter to the gay man from Milwaukee. The employee opened his letter by pointing out that erotic bookstores also operated in Milwaukee; these were not particular to Minneapolis. Although the employee admitted that there were parts of his job he did not like (“I do see guys who come in and sleaze around and stay for hours”), he emphasized that these people were in the minority. The vast majority, he argued, were men who “come in, who ‘play around’ but have the brains to practice safe or at least semi-safe sex, using condoms and discretion and common sense.” The employee then proceeded to list the reasons why seemingly “normal” people visited erotic bookstores. The majority was

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<sup>76</sup> “Letters: Visitor shocked by behavior,” *Equal Time*, Nov. 12, 1986.

“lonely and frustrated and scared. They are people who can’t find a partner.” Patrons watched movies or perused through magazines and left. According to the employee, “They don’t mess around with anyone; they’re too smart or too scared to do that.” Inasmuch as erotic bookstores provided patrons with “an alternative to loneliness or death,” these establishments were instrumental in the fight against HIV/AIDS. He added, “Today gay men have very few choices. If you’re lucky you find a steady partner. If you can’t, you practice safely with whomever.” According to this employee’s insight, only those who were single and lonely came to the bookstore, to release penned-up sexual tension. The employee defended bookstores, claiming that they were “the only alternative to safe partner sex. More people will be harmed by closing the bookstores than there will be in keeping them open.”<sup>77</sup> Still, the employee ended his letter in a similar fashion to how the Milwaukee gay man ended his: by stigmatizing promiscuous gay men. “Meanwhile for the fools and sleaze puppies who are fucking their way to an early grave—stay the hell out of the bookstores and get your ass to one of the clinics. Then go home and stay there until you realize that your dick is attached to your brain.”<sup>78</sup> In his defense of commercial sex establishments, the employee characterized erotic bookstores as safe alternatives for gay men who were unable to come into long-term, monogamous relationships. He did not consider whether patrons frequented these establishments for the mere purpose of sexual gratification, regardless of their relationship status. Failing to consider alternatives, the employee upheld long-term, monogamous relationships as the standard to which all gay men should aspire. The employee regarded domesticity and

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<sup>77</sup> The employee also stressed that the bookstore carried “all gay monthlies,” which included the latest developments in AIDS research, and safer sex videos.

<sup>78</sup> “Letters: Another view on bookstores,” *Equal Time*, Nov. 26, 1986.

privacy as “cures” to the HIV/AIDS epidemic. In fact, a number of gay men believed that legally recognizing same-sex couples would help reduce HIV/AIDS since gay men would be compelled to date, settle down, and marry.

Those gay men who believed a culture and politics of homonormativity immunized against HIV/AIDS sought to disaggregate sexuality from gay identity.<sup>79</sup> In the December 16, 1987 issue of *Equal Time*, editors published an op-ed from a gay male couple.

Although the gay couple believed that the bathhouse ought to have been closed, they disagreed with Dick Brown’s “scapegoating” of gay men as somehow being “just plain responsible for the development of the disease.” For the gay couple, Brown’s accusations reduced “the identity of gay men to little more than homosexual animals in the minds of many.” This scapegoating, they pondered, reflected a pattern of “trash[ing] gays yet deny[ing] [them] legal recognition and societal support for maintaining healthy same-sex relationships.” The gay couple forged a connection between domestic partnerships and HIV-prevention efforts. They applauded that public health officials were “perhaps beginning to realize that encouraging stable or monogamous gay relationships is a significant aspect of AIDS prevention.” The gay couple insisted that homophobia, as

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<sup>79</sup> Coyle received another letter of support for the bathhouse ordinance from a local gay male resident who suggested that gay men’s defense of the bathhouse was reflective of their sexual immaturity and unwillingness to form long-term, monogamous relationships. For this letter writer, the bathhouse was “destructive to the emotional and physical health of gay men long before AIDS.” He recounted his own experience visiting a bathhouse in the early 1970s, when he was “severely closeted and deeply involved in an anti-gay church.” Instead of affirming his same-sex desires, the bathhouse “served to reinforce [his] personal homophobia” because all he knew of “gay life” were the baths: “Men using each other like so many Kleenex—held close to your body and then tossed into the trash.” The letter writer likened bathhouses not as hallmarks of sexual liberation but as markers of gay men’s oppression by a “non-gay society” that denied them their “right to form lasting, mature relationships.” This society had “forced most gay men to be so deeply closeted, so afraid to be discovered, that the only way to express their sexuality was in the most anonymous and degrading manner, using each other like so much meat.”<sup>79</sup> The notion of gay men’s sexual immaturity was important for those who favored the closing of the 315 Health Club. They believed that gay men defended the bathhouse because they were sexually immature, unable to form long-term, monogamous relationships. “Richard Notch Letter to Coyle,” Mar. 7, 1988, Box 11, Folder: Bathhouse Ordinance, Brian J. Coyle Papers, The Minnesota History Center.

manifested in “discrimination, lack of civil rights protection, labeling sex and by inference gays as criminals,” had rendered AIDS a major epidemic with it now putting “the mainstream heterosexual population” at increasing risk. The solution to curbing AIDS, the gay couple concluded, consisted of conferring gay men and lesbians with access to domestic-partnership rights. They explained, “Gay and lesbian rights, and public health, are now inseparable. If society is to be healthy, respect for gays and lesbians and our equal rights must be affirmed. It’s the only course that works, for all.”<sup>80</sup>

The conviction that closing bathhouses would encourage gay men to come into long-term, monogamous relationships proliferated among a number of white gay leaders and AIDS advocates throughout the country. Andy Humm, spokesperson for the Coalition of Lesbian and Gay Rights, used the controversy surrounding bathhouse closures to redirect attention towards the importance of domestic partner ordinances. If the government legally recognized same-sex relationships, Humm hypothesized, then gay men would be less likely to engage in casual anonymous sex. Critiquing New York Governor Andrew Cuomo’s guidelines on AIDS, Humm accused Cuomo of not “once mention[ing] the fact that we need to pass a comprehensive gay rights bill. In other words, if you’re going to solve this crisis, you need to embrace gay people as responsible citizens.” Humm proposed that passing domestic partner ordinances would provide gay men with an opportunity to be responsible citizens in the fight against AIDS. He prompted the state to “legalize relationships between gay people” since there “are gay people who would like to do that.” Humm argued that “the state would have an interest in encouraging that at this point” since “[o]bviously, more stable relationships are less likely

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<sup>80</sup> Craig Anderson and Douglas Federhart, “Opinion: Speaking on the bathhouse issue,” *Equal Time*, Dec. 16, 1987.

to involve a transfer of whatever it is that causes AIDS.”<sup>81</sup> Although Coyle initially opposed any efforts to regulate the bathhouse on the grounds that the establishment disseminated safer sex education, Hanson’s death, his diagnosis with HIV, and the publication of Randy Shilts’ *And the Band Played On* forced Coyle to reconsider his position in regards to the 315 Health Club.

**“I now favor closing the bathhouse.”**

On February 9, 1988, the Gay and Lesbian Community Action Council (GLCAC), in cooperation with the Minnesota Alliance Against AIDS and the Gay and Lesbian Freedom Pac, convened a community forum titled, “Bathhouses, Sexual Freedom and the Law,” at the Hennepin County Government Center. GLCAC organized the forum in hopes of “providing balanced and responsible information about [the] very complex and controversial issue” of commercial sex establishments and AIDS.<sup>82</sup> As expected, Brown spoke in support of the city’s health department-authored ordinance. In critiquing queer activists for defending the bathhouse, Brown declared, “What scares me more is the gay establishment, not the straight community.” Brown described the bathhouse as a place where “over 600 men per week” went to “look for a quick fix,” before adding, “If the bathhouse were closed, many men would be home.” But, the greatest surprise for many gay men in the audience that night came when Coyle came out in support of closing the bathhouse after reading Shilts’ book.

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<sup>81</sup> “Health or Homophobia: Responses to the Bathhouse Guidelines,” *New York Native*, Nov. 11-17, 1985.

<sup>82</sup> In addition to Brown and Coyle, panelists included Eric Shambach of MAAA, Dr. Frank Rhame of the University of Minnesota’s HIV Clinic, and Carrie Orth of the Minnesota Civil Liberties Union. “Gay and Lesbian Community Action Council’s Invitation to AIDS Forum,” Feb. 2, 1988, Box 11, Folder: Bathhouse Ordinance, Brian J. Coyle Papers, The Minnesota History Center.

At the forum, comprised of about fifty white gay men, Coyle announced his support for the proposed anti-bathhouse ordinance. In his opening remarks, Coyle confessed, “I now favor closing the bathhouse.” He admitted that he had previously been a staunch supporter of the bathhouse on account that MAP distributed condoms there, the bathhouse’s management had closed the orgy room and removed the gloryholes, and “there was only one bathhouse in town, a few bookstores, and...these were not central to Minneapolis gay life.” Coyle admitted that he initially believed most gay men practiced safer sex there. He worried that if bathhouse patrons were forced into parks, beaches, and other isolated public settings, they would be at greater risk for violent assault. And, last, Coyle deduced that regulating the bathhouse would set a precedent for the continued regulation of gay male sexuality including the possibility of further intruding into the private bedroom. Despite all these reasons, Coyle declared that he changed his mind due to information he had received from local gay men and local medical professionals relating to unsafe sex practices occurring at the 315 Health Club. He insisted it was his “responsibility” to “speak the truth” as he saw it.

The “disturbing things” that changed Coyle’s position included that gay men who frequented the bathhouse and bookstores had confessed to him that “despite years of education, many are using the privacy of the booths and stalls to have high-risk sex.” He claimed that a majority of the calls and letters he received from local gay men supported city action regulating the bathhouse. Coyle also disclosed hearing stories of sexual addiction and lack of self-esteem. He called it a “tragedy” that gay men were supposedly unable to relate to others intimately except via anonymous sex in bookstores and



bathhouses.<sup>83</sup> Coyle told the crowd that the local medical establishment had substantiated these concerns. At the forum, Coyle read a letter from a prominent gay physician, Dr. Scott Strickland from Park Nicollet Medical Center. Strickland admitted that although he too had previously opposed any regulation of commercial sex establishments, his professional involvement with patients who continued to be exposed to the virus at these facilities forced him to come out in support of regulation.<sup>84</sup> In addition to Strickland, Coyle received letters from a number of mental health professionals in support of the ordinance on the grounds that commercial sex establishments enabled “sexual addiction” among gay men.<sup>85</sup> One therapist, who worked with several gay men that struggled with “compulsive sexual behavior,” wrote that two of his clients had tested positive for HIV after frequenting the bathhouse and numerous erotic bookstores. He recounted that both his clients were “chemically dependent” and “both describe[d] a similar cyclical pattern which begins with loneliness, feelings of deprivation, and eventuates to drinking and dangerous sex at the business that profit from these abusive activities.” For that reason,

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<sup>83</sup> John Ritter, “315 Health Club closes prior to ordinance,” *Equal Time*, Apr. 13, 1988.

<sup>84</sup> In the letter, Strickland wrote: “I have always been opposed to such an ordinance (regulating or closing bathhouses, saunas, and bookstores) in the past. Unfortunately, I am continuing to be involved with new HIV infected people who are being infected through contacts in these facilities. I am writing you this letter in qualified support for further regulation.” “Dr. Strickland’s Letter to Coyle,” Jan. 20, 1988, Box 11, Folder: Bathhouse Ordinance, Brian J. Coyle Papers, The Minnesota History Center.

<sup>85</sup> A psychologist revealed that a number of his patients continued to engage in “unsafe sex” despite being diagnosed with HIV. The psychologist wrote being “alarmed about the small number of gay men who are struggling with sexual addiction” yet “continue to have compulsive unsafe sex, even when they may be carrying the virus.” The ordinance, the psychologist argued, could deter such compulsive behavior. He concluded, “Although we cannot control their behavior, the ordinance could slow this behavior.” Meanwhile, a substance abuse counselor also penned a letter to Coyle expressing his support for Coyle’s stand against “book stores with peep holes.” The counselor openly questioned whether gay men could demand greater funding for HIV-prevention yet continue to support establishments that supposedly facilitated the transmission of the virus. The counselor wrote, “We don’t retain any credibility when we support the promiscuous places where AIDS is spread and yet cry ‘foul’ when the straight community won’t give more money for AIDS education, research, etc.” The counselor concluded his letter by warning of the dangers of gay men’s supposed unwillingness to regulate commercial sex establishments. He wrote, “Denial and the refusal of some gays to reasonably deal with the issues will not further gay rights.” “Olson Letter to Coyle,” Mar. 30, 1988, Box 11, Folder: Bathhouse Ordinance, Brian J. Coyle Papers, The Minnesota History Center.

the therapist expressed being “horrificed” that “so-called [gay] leaders” had identified the bathhouse “a responsible community organization,” when “[n]othing could be further from the truth.” Although the therapist admitted that closing the bathhouse and regulating erotic bookstores was not a “magic bullet,” he hoped that the ordinance would send a “powerful signal about dangerous sexual practices and could be useful for gay men who are struggling to change their sexual behavior.”<sup>86</sup>

Some gay leaders who endorsed the bathhouse ordinance repeatedly insisted that it would help stem sexual addiction among gay men. Although it is quite possible that a number of gay men *did* experience the clinical symptoms associated with sexually compulsive behavior, the truth of the matter is that the way opponents of the bathhouse used “sexual addiction” here masked co-occurring social conditions that rendered some individuals at a higher risk for HIV/AIDS. For instance, in a letter to the public appearing in *Equal Time*, Stoney Bowden, a long-time gay activist and a member of the Minnesota AIDS Project board of directors, questioned the repeated usage of “sexual addiction” as justification for the bathhouse ordinance. Bowden interjected that although there are “clear definitions and criteria of any addiction,” having “sex more than three or four times a week with differing people or patronizing a bathhouse does not an addict make.” Bowden strove to differentiate between HIV-prevention campaigns that were sex-positive with “the neopuritanical antisex agenda for the 80s.” Central to differentiating between these two axes was refusing to label unpopular sexual practices “sexual addiction” merely because they involved casual anonymous partners.

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<sup>86</sup> “Gregg Riley Letter to Brian Coyle,” Box 11, Folder: Bathhouse Ordinance, Brian J. Coyle Papers, The Minnesota History Center.

The problem with using sexual addiction to make sense of why some gay men defended commercial sex establishments is that it reinforced racialized norms of sexual hygiene—domesticity, intimacy, privacy, and respectability—as solutions to the HIV/AIDS epidemic. Bowden outright questioned, “What do we say to our gay single men, get a lover or become a eunuch?” Bowden objected that “the notion that healthy sex is that which occurs in an emotionally meaningful relationship to the exclusion of recreation sex with different partners” was “a narrow value judgment” unsupported by mental health professionals or research. For Bowden, anonymous sex was not synonymous with unsafe sex or sexual addiction. He reiterated that “unsafe sex is not an issue of geography” or where it takes place since one “can have unsafe sex in their bedroom [with one partner] and safe sex in a bookstore cubicle” with anonymous partners or with several partners. What was desperately needed to combat AIDS, Bowden argued, was an awareness of co-factors that facilitated unsafe sex such as chemical dependency, depression, “true sexual addiction,” and a lack of funds for AIDS education and research.<sup>87</sup> That is why, Bowden called for a citywide task force to study strategies for dealing with unsafe sexual behavior brought upon by chemical dependency. Coyle agreed to facilitate discussion into issues of mental health and chemical dependency among gay men, but he refused to back down from the ordinance.

Up to the bathhouse forum, Brown and Coyle had been at public odds with each other over the ordinance. At the forum, however, both men explicitly cited Randy Shilts’ *And the Band Played On* to demand that the bathhouse be closed. In his speech that night, Coyle encouraged those in attendance to read Shilts’ book so as to gain a different

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<sup>87</sup> “Letters: Term ‘sexual addiction’ should be used with care!” *Equal Time*, Apr. 27, 1988.

perspective on the bathhouse issue. Coyle asked of the audience, “How can Minnesota, which still has a relatively low rate of exposure to the AIDS virus (as did San Francisco initially) ignore the surveys that Shilts book presents?”<sup>88</sup> That night, Coyle referenced a series of questionnaires from San Francisco that allegedly showed that although gay men knew of risk factors, 62 percent continued to engage in “high risk” sex. These questionnaires concluded that gay men who visited bathhouses were less likely to have altered their behavior.<sup>89</sup> Throughout the night, Coyle referenced Shilts’ account of AIDS in San Francisco to warn of what could happen in Minneapolis if the bathhouse ordinance were not passed. In both cities, Coyle observed, “some brave individuals” asked, “what are we doing to ourselves” and decried “the commercialization of depersonalized sex.” Coyle added that these individuals in both cities courageously took on the baths as “Russian roulette parlors” and “dens for publicly licensed murder.” But, as Coyle interjected, “gay liberationists” accused these “brave” individuals of being “sexual Nazis” for trying to rid both cities of a culture of sexual freedom that had taken at least a decade to cultivate. In San Francisco, Coyle concluded, the outcome of these disagreements was well known. Citing Shilts, Coyle mentioned that “everybody agreed the baths should have been closed sooner, they agreed health education should have been more direct and more timely.” Nevertheless, Coyle shouted, “By the time everyone

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<sup>88</sup> “Bathhouses, Sexual Freedom and the Law,” Jul. 1988, Box 11, Folder: Bathhouse Ordinance, Brian J. Coyle Papers, The Minnesota History Center.; Randy Shilts, *And the Band Played On: Politics, People, and the AIDS Epidemic* (New York: St. Martin’s Press, 1987).

<sup>89</sup> Coyle stated a year after this questionnaire another survey showed that 68 percent of bathhouse patrons agreed they used “anonymous sex as a way of relieving tension.” Another 62 percent of bathhouse patrons, Coyle stated, agreed with the following statement: “Sometimes I get so frustrated that I have sex I know I shouldn’t be having.” Coyle added that San Francisco health officials found that 1 in 12 bathhouse patrons were already in the early stages of AIDS. According to these officials, any bathhouse patron having three contacts in one visit had a 25 percent probability of having sex with these bathhouse patrons already in the early stages of AIDS. “Bathhouses, Sexual Freedom and the Law,” Jul. 1988, Box 11, Folder: Bathhouse Ordinance, Brian J. Coyle Papers, The Minnesota History Center.

agreed to all this...it was too late. Instead, people died. Tens of thousands of them.”<sup>90</sup>

Brown and Coyle were the only panelists at the community forum to speak in favor of the ordinance. Everyone else, including the audience, spoke against it, claiming that the ordinance was designed to oppress gay men. Eric Shambach of MAAA called the ordinance an example of “blatant bigotry.” Meanwhile, Carrie Orth, Director of the Minnesota Civil Liberties Union, explained that the ordinance fell into a category the MCLU labeled “morally motivated private purpose” legislation since it was fueled by moral assumptions about proper sexuality. She also claimed that the ordinance violated the First, Fourth, and Fourteenth Amendment. Robert Halfhill of MAAA, who characterized the ordinance as a “reflection of homophobia in the straight and gay community,” warned that if the bathhouse were closed, “gay men will resort to shrubs and trees for sex.”<sup>91</sup> Halfhill recommended that the time had come to replace Coyle on the City Council since he was unwilling to listen to his gay constituents.

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<sup>90</sup> In his speech, Coyle also paraphrased playwright and activist Larry Kramer. According to Coyle, Kramer long maintained, “gay men knew precisely what they needed to do...to avoid contracting the AIDS virus.” Thus, the problem was not whether gay men were aware of this information but rather what they chose to do with it. Coyle pleaded with those in attendance that they consider shifting their perspective on the issue by thinking about the innocent lives impacted by the irresponsibility of a few. “AIDS cannot be fought effectively if we continue to think in terms of the old days and ways or pit civil liberties vs. public health, human rights against human life. The U.S. Constitution might be construed to allow the right to commit suicide, but the ramifications of places like bathhouses and bookstores do not end with their patrons. These people go to other places, pick up and infect others. The Constitution does not grant the right to take other people with you.” Ibid.

<sup>91</sup> Halfhill told the audience at the community forum, “We’re going to have to face up to the fact that we’re going to have to change our representatives. Like suites of clothes, they may be OK when we first get them, but over time they wear out.” At the forum, MAAA presented a sample resolution to be introduced at precinct caucuses opposing the ordinance and “condemning” elected officials who supported the ordinance. The resolution read, “The probability of transmission of AIDS depends on the kind of sex engaged in and not the place where the sexual activity occurs, i.e. penetrative sex without a condom is dangerous even in a private home where as non-penetrative sex or penetrative sex with a condom is safe anywhere.” In a memo denouncing Coyle’s support for the closure of the 315 Health Club, MAAA stressed that the “gay community” would “not tolerate any such stand by our representatives and that such a position is incompatible with our continued support.” MAAA promised that any attempts to shutter the bathhouse would be resisted by any means whatsoever including demonstrations and civil disobedience. John Ritter, “Should the bathhouse be regulated,” *Equal Time*, Feb. 17, 1988.; Louis Porter III, “Bathhouses proposal

The panelists pointed out that there was no concrete evidence confirming that the ordinance would reduce HIV transmission here or even that closing bathhouses in San Francisco reduced rates there.<sup>92</sup> Campbell shot back at Coyle arguing that sexual behavior among gay men at the bathhouse had significantly changed with more men practicing safer sex.<sup>93</sup> He referenced Minneapolis Health Department records indicating venereal disease tests administered at the bathhouse showed no cases of syphilis between January of 1985 and February of 1988, and only one case of gonorrhea in February of 1986.<sup>94</sup> Given these patterns, Campbell deduced that the spread of AIDS among gay men had come to a halt in Minneapolis. Minnesota epidemiologist, Mike Osterholm, who supported the bathhouse ordinance, countered that a decrease in STDs was irrelevant to the spread of HIV since most STDs were bacterial and HIV was a virus.<sup>95</sup>

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puts Coyle on spot,” *Star Tribune*, 1988.

<sup>92</sup> In addition to the panelists, a dozen or more audience members expressed their opposition to the ordinance during the night’s Q&A. A gay male audience member revealed that he visited the bathhouse because it offered a safe space away from anti-gay violence. Another gay male audience member commented that the “real problem of gays is the need for therapy in dealing with societal stigmatization and rejection” that led directly to “compulsive high risk sex.” Coyle admonished audience members stating “not everything is done to oppose gays.” For most gay men, the bathhouse ordinance was really about gay men’s right to express their sexuality without state interference. MAAA was particularly concerned that the bathhouse ordinance would set a precedent where it would be easier to implement penalties against gay men for having sex with each other under the guise of HIV-prevention. Viewed in light of *Bowers v. Hardwick*, the bathhouse ordinance was but another policy aimed at curtailing gay men’s sexual freedoms. Ibid.

<sup>93</sup> See Woods and Binson for a literature review of research studies from the 1980s examining the relationship of AIDS and bathhouses. The overall consensus was that bathhouses likely did not contribute to the spread of HIV.

<sup>94</sup> Mike Jeffries, a safe sex educator for MAP assigned to bars, bookstores, and the bathhouse, agreed with Campbell’s assessment. Jeffries reported that gay men had made significant changes in their sexual practices, “There’s been a 180-degree turnaround in the level of protection used.” Jeffries cited surveys showing a high level of awareness among gay men, including many discontinuing anal intercourse, and most reporting using condoms. As evidence, Jeffries pointed to the drop in total gonorrhea found at the 315 test site. There had not been a single case in the previous two years, compared to epidemic numbers in the late 1970s. John Ritter, “New ordinance may close bathhouse,” *Equal Time*, Jan. 20, 1988.

<sup>95</sup> Campbell saved his critique of Coyle for an op-ed appearing in the *GLC Voice* soon after the community forum. In the op-ed, Campbell lashed out against Coyle for pulling “the most clearly offensive stunt of his career.” According to Campbell, Coyle “deliberately and publicly stomped” on “strong, convincing, objective data from non-gay health officials” that suggested gay men had altered their sexual behaviors. The data of which Campbell was referring was the one he cited at the community forum. Campbell then

Evident that night was that momentum against the 315 Health Club was spurred by Shilts' much-publicized AIDS book and subsequent local visit. Prior to Coyle's turnaround, Brown often cited Shilts' authoritative account of the early history of the AIDS epidemic as a reason why the City of Minneapolis ought to have regulated its own commercial sex establishments. In response to a letter written by Engstrom defending MAP's stance on bathhouses, Brown communicated that he was "STUNNED that gay leaders here in Minnesota have learned nothing from the holocaust in San Francisco where gay bathhouses served as the 'amplification system' for the spread of AIDS in that city." Brown quoted Shilts who had written, "Bathhouses guaranteed the spread of AIDS among gay men...Common sense dictated that bathhouses be closed down. Common sense, however, rarely carried much weight in regards to AIDS policy."<sup>96</sup> One of the biggest takeaways from Shilts' book is that bathhouses were the places in San Francisco where the disease was most easily spread in its early days.<sup>97</sup> Shilts blamed the HIV/AIDS epidemic in part on the culture of public sex to proliferate in the wake of gay liberation in the 1970s.

In November of 1987, as part of his 11th stop on a 17-city national promotional tour, Shilts sat down with the *St. Paul Pioneer Press* to discuss his book. Shilts, a feisty,

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proceeded to attribute Coyle's motives behind the bathhouse closure as stemming from his "guilt ridden imagination." He characterized Coyle as "a gay bearing false witness against gays to enhance his own imagined credibility with straights. It is lying. It is abuse of gay credentials. It is treason." Campbell demanded that Coyle come forward with "specific verifiable data about transmission or to recant his false claims, quickly, completely, and publicly." Tim Campbell, "Coyle should retract false witness," *GLC Voice*, Feb. 15, 1988.; Louis Porter III, "Bathhouses proposal puts Coyle on spot," *Star Tribune*, 1988.; Tim Campbell, "Minneapolis discusses new laws supposedly for AIDS," *GLC Voice*, Feb. 1, 1988.

<sup>96</sup> "Brown's response to Engstrom," Dec. 28, 1987, Box 11, Folder: Bathhouse Ordinance, Brian J. Coyle Papers, The Minnesota History Center.

<sup>97</sup> Even before the 1987 publication of *And the Band Played On*, Shilts had openly condemned bathhouses. For instance, in a 1984 essay for the *New York Native*, Shilts described bathhouses as "unprecedented in that they were businesses created solely for the purpose of quick multiple sexual acts, often accomplished without speaking so much as one word." Ronald Bayer, *Private Acts, Social Consequences: AIDS and the Politics of Public Health* (New York: Free Press, 1989), 29-30.

fast-talking 36-year-old who began covering gay health issues for the *San Francisco Chronicle* in 1981, insisted that equally significant to making the *New York Times* best-seller list was that his book had prompted Coyle to endorse the closing of the 315 Health Club.<sup>98</sup> In explaining his change of heart, Coyle confessed to the *Pioneer Press*, “The Shilts book has helped me reconsider whether I’ve been too soft and liberal about the bathhouse. If they can close it legally, they won’t get any fight from me.” Coyle elaborated that he changed his position because “I’ve been listening to my community” and realized that “the majority of gays” shared this position. Coyle added, “I believe there still are a significant percentage of my gay brothers having unsafe sex.” For Coyle, commercial sex establishments facilitated those unsafe sexual practices. “No other place (than the bathhouse or bookstores) can a person have unsafe sexual contact several times in one night. Seven years into this epidemic we cannot look the other way.”<sup>99</sup> Shilts gloated that Coyle’s about-face on bathhouses was the type of direct and life-saving impact he had hoped for his epic AIDS history published in October of 1987.<sup>100</sup> Shilts

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<sup>98</sup> A native of Aurora, Illinois, Shilts was a self-described hippie who hitchhiked around the country before settling down for college at the liberal University of Oregon. It was there, during the peak of the gay liberation movement in the early 1970s that Shilts decided to open up about his homosexuality. Shilts told the *Pioneer Press*, “I didn’t want to live a terror-stricken life in the closet. It was not a political statement [coming out] for me, but asserting my dignity as a human being.” Since then, his journalistic and political interests reflected his sexuality. In the 1970s, Shilts worked for *The Advocate*, a national gay-oriented magazine, before being hired by the *San Francisco Chronicle*, after another gay reporter who covered gay politics suffered a heart attack. The *Chronicle* was the only major metropolitan daily in America with a reporter assigned to a “gay beat.” It was then, in 1981, that doctors in San Francisco and New York City began to see mysterious cases of “gay cancer.” Shilts used his “first-hand knowledge of the drug parties and the all-night anonymous sexual orgies that marked fast-lane gay life” to identify Patient Zero. Shilts covered the AIDS epidemic in part because of his personal connection to the story. More than any other journalist at the time, Shilts had better sources to many of the people engaged in the fight against the epidemic. Jacqui Banaszynski, “Reporter calls account of AIDS a ‘mission’,” *St. Paul Pioneer Press*, Nov. 10, 1987.

<sup>99</sup> John Ritter, “New ordinance may close bathhouse,” *Equal Time*, Jan. 20, 1988.

<sup>100</sup> Shilts’s reporting for the *San Francisco Chronicle* helped establish the national perception that San Francisco was at the center of the AIDS epidemic. Originally, Shilts had been hesitant of writing about the AIDS epidemic. According to Kinsella, the Harvey Milk Democratic Club encouraged Shilts to write about the health crisis. (A number of the club’s members had been sources for Shilts in the past.) For a number of



told the *Pioneer Press*: “I had a real mission to tell this story. I wanted to say, ‘Don’t make the same mistakes we did or you’ll be going to funerals every day.’”<sup>101</sup>

One of the assertions that convinced Coyle to support the closing of the 315 Health Club was Shilts’ contention that bathhouses were the major place in which the virus was spread among gay men.<sup>102</sup> Central to this argument was Shilts’ skillfully-framed suggestion that Gaetan Dugas, a dashing, vain, and unabashedly promiscuous French-Canadian flight attendant for Air Canada, was America’s very first person with AIDS. Identified as “Patient Zero,” Dugas was described as a “Typhoid Mary” who boasted more than 2,000 lifetime sex partners including 40 of the first 248 AIDS patients in America. Although Dugas died in March of 1984, Shilts scandalously revived him in his 1987 book. In spite of a lack of substantial proof, Shilts implied that Dugas was responsible for the entry of the virus into the United States and its subsequent spread from coast to coast. Since Dugas allegedly continued to patronize bathhouses despite being diagnosed with an infectious disease, Shilts emphasized that these establishments

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years, sexual liberation had been a mainstay of the club’s platform. By the 1980s, however, the club embraced Milk’s more “pragmatic” politics. The club summoned for gay men to abandon promiscuous, unsafe sex. Throughout 1983 and 1984, as Shilts incorporated the club’s plea in his journalism, Shilts purposefully tried to get his stories on the consequences of promiscuous sex to be published on Fridays, before gay men went out to the bars and bathhouses. Speaking about wanting to frighten gay men into avoiding unsafe sexual behavior, Shilts was reported as saying: “I wanted everyone to have the fear of God in them.” James Kinsella, *Covering the Plague: AIDS and the American Media* (New Brunswick, NJ: Rutgers University Press, 1989), 173.

<sup>101</sup> Shilts’ 600-page book was translated to an HBO film in 1993. The film adaptation garnered primarily favorable reviews from critics, winning a Primetime Emmy Award for Outstanding Made for Television Movie.

<sup>102</sup> By focusing on bathhouses and other venues of public sex, Shilts suggested that these were the primary sites of infection. Shilts’s emphasis on the geography of sex similarly discounted attention on how particular sexual practices—that is, what one did or did not do—contributed to transmission. Although bathhouses received the bulk of attention, a more overriding factor was anal intercourse without a prophylaxis. Closing the bathhouses, therefore, propagated a false sense of security for those gay men who prided themselves for not visiting commercial sex establishments.

provided Dugas with countless opportunities to spread HIV.<sup>103</sup> Shilts prefaced his demonization of Dugas by underscoring that he was “no more representative of people with AIDS than Richard Speck [a serial killer] is representative of the typical male heterosexual.” He elaborated, “There are others who are infected and who behaved *responsibly* and heroically” (emphasis added).<sup>104</sup> As he exploited Dugas, Shilts also used him to assert the moral superiority of those PWHAs who *were* “responsible” in their sexual practices.

During his stop in the Twin Cities, Shilts credited Minnesota with being “an oasis of sanity in dealing with AIDS,” but he railed against the continued operation of the 315 Health Club. He informed the local press, “In 1983, supporting the bathhouses was a measure of denial against AIDS. In 1987, it’s insanity and political cowardice.” Although Shilts applauded gay men in the Midwest for being more sexually conservative and credited this conservatism with protecting gay men in Minneapolis from HIV, he called for gay sexual freedoms to be cordoned off in order to halt the spread of the virus. By celebrating the alleged sexual conservatism of gay men in the Midwest, Shilts pointed to their supposed moral superiority. In so doing, he empowered a white liberal discourse of Minnesota Nice that posited Midwestern white gay men as rightful members of an imagined universal white family. Because bathhouses encouraged promiscuity, according to Shilts, they were sources of transmission and contagion that necessitated closure.

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<sup>103</sup> Prior to the AIDS epidemic, Shilts had been a bathhouse regular and a heavy drinker. He had even worked in a Eugene, Oregon bathhouse during college. With the passing of his friend, AIDS activist Gary Walsh in February of 1984 due to AIDS-related complications, Shilts stopped drinking and entered recovery. Kinsella, *Covering the Plague*.

<sup>104</sup> Shilts said he first heard a reference to a flight attendant in 1982 in San Francisco in connection with a cluster study. Later, he heard references to him in New York City and eventually tracked down the steward’s name. Shilts placed ads in a gay weekly in Vancouver, where Dugas had lived, in an effort to speak to friends of his. Shilts received responses and eventually interviewed those who knew Dugas.

These establishments threatened to corrupt the racial affinities between white gay men and Middle America. Despite Shilts swaying Coyle, not all gay men welcomed Shilts' conclusion.<sup>105</sup> In the Twin Cities, Morris Floyd, a member of the Minnesota AIDS Task Force defended bathhouses as educational forums teaching gay and bisexual men about safer sex. Critics of Shilts argued that the book was outdated, biased, and did not apply to the AIDS epidemic in Minneapolis. They reiterated that closing the 315 Health Club would prove ineffective in reducing the transmission of HIV and, if anything, would actually constitute a major setback in the gay rights movement. They defended the continued operation of bathhouses as necessary since these public sex venues facilitated the dissemination of safer sex information not just to gay men, but to those who did not identify as "gay" and might not otherwise have been privy to preventive resources. By claiming that bathhouse closure would not reach closeted, bisexual white married men, those who opposed bathhouse closure called upon the protection of white women and children much like right-wing conservative interest groups.

Notwithstanding the critiques leveled against Shilts for his stance on bathhouses, Shilts was successful in rightfully critiquing the Reagan administration for failing to adequately finance AIDS research. Shilts' book brought home the point that most of government, the medical establishment, and media had purposefully failed to act in the

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<sup>105</sup> Among gay men in San Francisco, Shilts became a pariah. The response was quick and harsh from gay men who accused him of advancing his own career as journalist by criticizing gay sexual freedoms. He could not walk down Castro Street without being shouted at with "gay Uncle Tom" or "sexual fascist." Shilts's reporting provoked gay men who were already sensitive about their privacy. They feared his portrayal of "fast-lane gay lifestyles" would prompt a conservative backlash consisting of quarantines and other punitive measures that would push the gay movement "back into the closet." Publisher and editor of the *New York Native*, an authoritative gay weekly, Charles L. Ortleb called portions of Shilts' book "the biggest crock since Hitler's diaries." Jacqui Banaszynski, "Reporter calls account of AIDS a 'mission'," *St. Paul Pioneer Press*, Nov. 10, 1987.

early years of the epidemic when they should have aggressively combatted the disease.<sup>106</sup> He captured the government's policy towards the HIV/AIDS epidemic as one defined by homophobic indifference and institutional neglect. As well researched as it was, however, Shilts' book occasioned significant consequences for the sexual landscape of Minneapolis. Essentially, Shilts' book and the arguments contained within it endorsed the blind implementation of the anti-bathhouse ordinance.

### **The 315 Health Club.**

Although the ordinance purported to target all commercial sex establishments, the 315 Health Club, as one of those supposed "hazardous sites," was its main target. Opening in 1973, the 315 Health Club, or as it was previously known, the Locker Room, was a locus of gay male sexuality in the Upper Midwest.<sup>107</sup> Located on the fringes of downtown Minneapolis in the warehouse district, the bathhouse featured a whirlpool, sauna, steam room, film screenings, lounge area, fifty-four sleeping rooms, and a free

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<sup>106</sup> Shilts showed how government institutions failed to respond promptly and sensibly to the nation's number one health crisis. Shilts reported that administration officials told health officials that they did not need emergency AIDS funding when work actually stopped due to a lack of resources. (In fact, through the Freedom of Information Act, Shilts uncovered that government officials responsible for the health and welfare of the nation had been lying to Congress that no increased funding was needed in the fight against the AIDS epidemic.) Shilts also held the mainstream press culpable for the spread of the virus. He suggested that the failure of the press to report on the epidemic made it possible for Reagan's administration to get away without making budget line recommendations for AIDS research until 1984 and for Reagan to avoid giving his first speech devoted entirely to AIDS until 1987, six years into the epidemic, after 36,058 people had been infected, with 20,849 of those being fatalities. For Shilts, most gay leaders let their gay constituents down by failing to confront the necessity of risk reduction early in the epidemic. The heroes, for Shilts, included the *San Francisco Chronicle*, Larry Kramer, a few gay political aides in Washington, D.C., and a handful of researchers and public health officials. The book also received widespread praise for its extensive investigating. Shilts obtained information for the book by filing Freedom of Information Act requests. John Ritter, "Shilts says book designed to impact election year," *Equal Time*, Apr. 27, 1988.; John Ritter, "Shilts chronicles AIDS history," *Equal Time*, Dec. 16, 1987.

<sup>107</sup> Ron Pesis owned the 315 Health Club. The Pesis family had been involved in the bar business since the 1950s, owning two other gay bars in downtown Minneapolis, the Saloon and Sutton's. Pesis opened the 315 Health Club as a development within Sutton's. Since it proved so successful, he moved it to a former warehouse at 315 First Avenue. There, the bathhouse became "a constant war zone frequented by militant gay activists, Minneapolis officials, victimized customers, and the police." Van Cleave, *Land of 10,000 Loves*, 145.

venereal disease clinic.<sup>108</sup> During its heyday in the 1970s, on a good weekend about 700 customers from all parts of the Upper Midwest—North and South Dakota, Minnesota, Iowa, and Wisconsin—convened at the 315 Health Club with peak hours being after the gay bars along Hennepin Ave. closed at 2am.<sup>109</sup> Hennepin Avenue in downtown Minneapolis anchored a thriving sex economy with various commercial sex establishments catering to both heterosexual and homosexual clientele. Anchoring the gay district to the north was the 315 Health Club—its name change purported to make it more respectable and less conspicuous. A bathhouse patron recalled that before the HIV/AIDS epidemic, the 315 Health Club was “an orgy—a feast of flesh.”<sup>110</sup> In 1980, the *GLC Voice* described the 315 Health Club as “a clean, safe, and private place in which to have a sexual encounter with another man.” The newspaper described that the bathhouse proved appealing to patrons because it offered anonymity, privacy, and safety: “Many of the patrons live in situations where taking a partner home is not feasible. Many do not have cars and have difficulty traveling to scattered locations. Others live with their parents, in a college dormitory or with straights who would not be accepting of their gayness. All have to deal with the fear of being alone with a potential assailant if they go off anywhere in a car.”<sup>111</sup> Although police raids against bathhouses greatly declined in the 1970s throughout the country, the 315 Health Club was constantly raided throughout

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<sup>108</sup> On the third floor, there were 50 5' by 6' private rooms, each with a bed and a mirror extended the full length of the wall. Patrons, who had the option of paying the \$10 annual membership, could rent the private rooms for up to eight hours for \$10 to \$12.

<sup>109</sup> The 315 Health Club was the last remaining bathhouse in town after Big Daddy's, another bathhouse on Hennepin Ave., closed in 1982. The only other bathhouse in the metropolitan area was Vapor's, a Turkish-style steam bath in Andover, Minnesota, in operation since 1971. Cheryl Johnson, “Midst a row of junkyards, steam bath prospers,” *Minneapolis Star and Tribune*, Jun. 25, 1987.

<sup>110</sup> Bill McAuliffe, “Pickets take their AIDS message to bathhouse,” *Minneapolis Star and Tribune*, Jun. 13, 1987.

<sup>111</sup> Cleave, *Land of 10,000 Loves*, 145.

its existence, finding itself caught between city officials intent on promoting family-friendly establishments and white gay leaders who distanced themselves from cultures of public sex. With the advent of the HIV/AIDS epidemic and the push towards urban renewal by city officials, Hennepin Avenue experienced a significant decay as the hub of commercial sex in Minneapolis.

Those in positions of authority perceived the 315 Health Club as enabling an undesirable mix of illegal behavior, immorality, and urban blight. Police harassment of bathhouse patrons was so routine early on that management printed and distributed informational pamphlets for patrons to use in the case of a police raid. In June of 1979, the vice squad of the Minneapolis Police Department raided the Big Daddy's Bathhouse and conducted two subsequent raids on the 315 Health Club. For the second time in less than three months, on February 10, 1980, the vice squad of the MPD raided the 315 Health Club in what became known as the Great Raid.<sup>112</sup> The raid is best remembered for the attempt of the vice squad to mount a 12-foot-replica of a penis confiscated as

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<sup>112</sup> Led by Lt. Kenneth Tidgewell, the vice squad officers kicked in doors, tore paneling from the walls, and harassed patrons. Under the pretense of searching for juveniles suspected of prostitution, the vice squad officers confiscated confidential records from the venereal disease clinic that operated on the premises along with the club's membership list and weekend receipts. The vast majority of the 125 men arrested received citations for participating in or operating in a "disorderly house." Included among those ticketed was a member of the State Executive Committee of the Democratic Farmer Labor Party who planned to contest the citation: "I would hope that by contesting my ticket that other people might do the same. The only disorderly conduct that I witnessed was on the part of the police. They pushed people around, called people sissies and fairies, and elbowed their way around." (Police reportedly threatened men with such statements as "I'll break your balls and cut your dick off if you don't come out of there." According to eyewitness reports, the men were dragged from their rooms and beat before being arrested.) The day after the raid, eighty gay men attended the swearing-in of the new police chief, Anthony Bouza, to protest the vice squad raid. Tidgewell and the head of the vice squad were transferred to the robbery and organized crime unit. Bouza told the press that he wished for the vice squad to concentrate on "street conditions," including prostitution, gambling, and drugs, rather than on "secluded" places such as bathhouses. Bouza confessed that although he was against bathhouses because they were "dirty and disgusting," he felt the vice squad was merely "spinning wheels" concentrating on bathhouse raids, since these resulted in few, if any, prosecutions. Dan Daniel, "Second Bathhouse Raid in 3 Months Nets Over 100," *Gay Community News* (Boston, MA), Mar. 1, 1980.

evidence on top a police wagon.<sup>113</sup> Raids on commercial sex establishments in the Twin Cities persisted well into the mid-1980s. As a result, on February 19, 1985, Ferris Alexander, the owner of several Minneapolis erotic bookstores and X-rated theaters, in conjunction with Tim Campbell, filed suit in Hennepin County District Court against the City of Minneapolis for the alleged police harassment of patrons in violation of the First Amendment.<sup>114</sup> Due to heavy political pressure, Minneapolis Police Chief Tony Bouza ordered vice squad officers to “radically deemphasize” patrols of erotic bookstores and X-rated theaters frequented by gay men.<sup>115</sup> Given the rampant allegations of police harassment of gay customers at commercial sex establishments, the Minneapolis Commission on Civil Rights established the Task Force to Investigate the Decoy Unit of the Minneapolis Police Department.<sup>116</sup> Referencing this history of police raids on commercial sex establishments in the Twin Cities, the Minnesota Alliance Against AIDS argued that any attempt to close the 315 Health Club as an HIV-prevention measure would prove “the culmination of these unprovoked attacks on us, attacks which involved many instances of police brutality, and would be the final kick in the face to the Gay

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<sup>113</sup> As a result of these raids against bathhouses, the Minnesota Gay Defense Fund, Inc. was formed in 1981 to defend those arrested. With a motto that read, “Defending gays arrested without cause,” the group was dedicated to helping defend and finance the legal fight of gay men arrested in bathhouse and bookstore raids. According to a press release, one of the overarching goals of the Minnesota Gay Defense Fund, Inc., was “to get Minneapolis’ indecent conduct law declared unconstitutional” since it was used to target gay men. “News Notes,” *Gay Community News*, Apr. 11, 1981.

<sup>114</sup> Campbell joined the suit because he claimed fear in patronizing the bookstores and theaters due to police harassment. The suit claimed that police decoy operations resulted in the false arrest of customers under the city’s indecent conduct ordinance. Alexander and Campbell sought an injunction to prevent police from making false arrests through enticement. Alexander and Campbell also asked that the suit be certified a class action lawsuit on behalf of all gay men in the Twin Cities. Mark Kasel, “Political leaders protest vice squad,” *Equal Time*, Mar. 6, 1985.

<sup>115</sup> Bouza explained to *Equal Time*, “I succumbed to pressure. I’m willing to admit that I’ve been slow to come around to this situation. I think what’s been going on has been more harm than good—people have been put through awful mills and lives have been hurt.” *Ibid.*

<sup>116</sup> The task force collected private testimony throughout the summer of 1985. “Public hearings called on Decoy Unit,” *Equal Time*, Jul. 1985.

Community” (sic).<sup>117</sup>

Admittedly, the bathhouse faced insurmountable challenges to staying in business. Like most remaining bathhouses across the country, the business at 315 First Ave. N, had been steadily declining.<sup>118</sup> In the wake of AIDS-related concerns, the party had all but died down despite disco music continuously playing throughout the mostly

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<sup>117</sup> “Community Warning: Coyle Comes Out for Closing the Bathhouses,” Box 11, Folder: Bathhouse Ordinance, Brian J. Coyle Papers, The Minnesota History Center.

<sup>118</sup> The HIV/AIDS epidemic created an increasingly inhospitable business climate for commercial sex establishments. Beginning in 1984, as it was becoming apparent that HIV was sexually transmitted, attention shifted to the places where “high-risk” sex transpired. What went on behind closed doors and inside dark rooms at bathhouses came under increasing fire by some city and public health officials throughout the country who demanded that they be closed down as public health threats. They insisted that wide-open sexual activities practiced at bathhouses, including casual anonymous sex with multiple partners, fueled the spread of the virus. As the epicenters of the epidemic and as bastions of commercial sex establishments and public sex cultures, New York City and San Francisco were witness to the controversy surrounding bathhouses. In 1984, the San Francisco Health Department, with the backing of Mayor Dianne Feinstein and the San Francisco Police Department, spearheaded a campaign to shut down the city’s bathhouses and sex clubs in hopes of stopping the spread of AIDS by preventing men from engaging in “high risk” sexual behaviors. With the support of some gay leaders, Mervyn Silverman, the Director of Public Health for the San Francisco Health Department, ordered a ban on “high-risk” sex in the city’s gay bathhouses and sex clubs as an emergency measure to stop the spread of HIV. His order demanded that employee monitors observe the behavior of patrons and to “expel from the premises any and all patrons observed engaging in high risk sexual activity.” It also prohibited renting of private rooms in bathhouses so that sexual activity could be monitored. Some of the bathhouses tried to operate within the strict confines of the court order. Others felt they could not conduct business under the new rules and simply closed. New York City’s history of bathhouse closures is closely intertwined with that of San Francisco. Many of the same arguments were articulated in calling for the closure of the baths there. Although David Sencer, the city’s commissioner of health, remained firm in insisting that there was no compelling reason to close the bathhouses, Governor Mario Cuomo and the State Health Department moved independently to gather evidence of promiscuous activity in the baths and focused on the threat of HIV/AIDS to the wives and children of bisexual bathhouse patrons. On November 7, 1985, a court order mandated the closure of the Mineshaft, a cruisy gay men’s bar with a backroom. Soon after, the city closed down the famed St. Mark’s Baths, which had served the gay community for decades, citing health risks outlined by regulations issued by the New York State Public Health Council. Developed in response to the AIDS crisis, these regulations provided that no establishment would make its facilities available for the purpose of “high risk” sexual activities.; For an analysis of bathhouse closures in San Francisco and New York City, see: Allan Berubé, “History of Gay Bathhouses,” in *Policing Public Sex: Queer Politics and the Future of AIDS Activism*, eds. Dangerous Bedfellows (Cambridge, MA: South End Press, 1996).; William J. Woods and Diane Binson, *Gay Bathhouses and Public Health Policy* (New York: Harrington Park Press, 2003). For a history of gay bathhouses, see: David Serlin, “Bathhouses,” in *The Encyclopedia of American Lesbian, Gay, Bisexual, and Transgender History in America*, ed. Marc Stein (New York: Charles Scribner’s Sons, 2004).; George Chauncey, *Gay New York: Gender, Urban Culture, and the Making of the Gay Male World, 1890-1940* (New York: Basic Books, 1994).; Ronald Bayer, *Private Acts, Social Consequences: AIDS and the Politics of Public Health* (New York: Free Press, 1989).



empty club. A busy night yielded ten men or so.<sup>119</sup> As a result of these challenges to staying in business, management at the 315 Health Club implemented a number of changes to ward off accusations of social irresponsibility. In an interview with *Equal Time*, Ron DeSilva, one of the managers of the 315 Health Club, commented that he hoped to change the “sleazy” image of bathhouses by providing a greater variety of services. DeSilva’s goal was to transform the 315 Health Club into a clean and enjoyable place to relax, exercise, and meet other gay men, “not just a place for sex” but “for socializing and meeting people...a place for gay men to gather, a place to relax.” DeSilva foresaw changing public perception of the bathhouse by remodeling the premises and adding a number of new services. Part of the plan entailed the recent opening of the “country’s biggest steam room.” With about 500 square feet, the steam room had a fountain, ample seating room, and a maze of passageways.<sup>120</sup> Management also remodeled the television viewing area for “more comfortable seating and greater capacity.”<sup>121</sup> Another improvement to the premises was the construction of a daylight-moonlight lounge overlooking First Avenue. DeSilva indicated that this lounge was to provide patrons with the first natural lighting at the bathhouse, enabling customers to see weather changes outside and not feel “so underground.” Reflective of the fitness craze of the 1980s, DeSilva even hoped to bring a weight trainer. DeSilva’s plan to remodel the bathhouse illustrates the allegorical deployment of “cleanliness.” Because PWHAs were believed to have engaged in unsafe sex or IV-drug use, they were perceived as “dirty” and “contaminated.” And, since the bathhouse was associated with AIDS, DeSilva hoped

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<sup>119</sup> Kate Parry, “Only gay bathhouse in Minneapolis shuts down,” *Star Tribune*, Mar. 30, 1988.

<sup>120</sup> The steam room, however, did not stay open for long. Management subsequently closed it down as an HIV-prevention effort.

<sup>121</sup> On weekends, films included such features as “Gone With The Wind,” instead of X-rated ones.

to sanitize its image by physically remodeling it and commercializing the services provided there.<sup>122</sup> We, thus, witness how the bathhouse's management mobilized architectural design to convey a sense of "moral cleanliness" among its patronage.

Management downplayed the prevalence of sex on the premises in hopes of changing the public perception of the establishment. One of the managers, Martin Kostrzab, disputed accusations that the bathhouse's steam room, sauna, and whirlpool were used for sex. Kostrzab, who referred to the bathhouse as a "private health club for gay men," asserted that the bathhouse had "very specific rules and regulations regarding sexual activities in the public areas" of the bathhouse (Figure 4.5).<sup>123</sup> What patrons did in the privacy of their rented room, however, was their business, or so Kostrzab argued. Although management recognized that "[i]nformation and condoms are the best weapons available" against AIDS, by downplaying the prevalence of sex on the premises, management inadvertently contributed to a culture of silence that worked against the safer sex goals of the establishment.<sup>124</sup> Whether or not management truly believed that

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<sup>122</sup> Despite DeSilva's best efforts to improve the facilities and to transform the social atmosphere in the bathhouse to encourage safer sex practices among patrons, he was fired in late November of 1985, prompted by the opening and subsequent closing of an "orgy room." After the management shakeup, the bathhouse remained with only 3 out of 13 employees after most of the crew was fired or walked out in protest. The new manager of the bathhouse, Rick Adams, told *Equal Time* that he did not "know anything about orgy rooms. As far as unlit places, this whole place is that way." Adams acknowledged that the practice of handing out free condoms with towels had been temporarily discontinued but assured that free condoms were still available upon request. Adams explained, "Handing out rubber is promoting sex and a lot of people aren't coming here for sex." This decision was part of an effort to change the bathhouse's reputation in light of the AIDS crisis. Adams charged that DeSilva was "fired or whatever" because "there was no change" at the bathhouse. Adams elaborated, "We're changing. We're phasing out queen disco and phasing in some country and jazz. We're phasing out black paint and darkness. It's a thing of the past. J.C. Ritter, "DeSilva fired from 315 health club," *Equal Time*, Dec. 18, 1985.

<sup>123</sup> These regulations were implemented after the Vice Squad Unit of the Minneapolis Police Department ordered public sex rooms at the bathhouses removed in 1983. "Urgent! News Release," Box 11, Folder: Bathhouse Ordinance, Brian J. Coyle Papers, The Minnesota History Center.

<sup>124</sup> Kostrzab pointed out that more gay men frequented "adult bookstores, public rest rooms, Loring Park, and the river flats, all far less suitable locations for safer sexual encounters," than frequented the 315 Health Club. Kostrzab professed that management and staff at the bathhouse were "very serious in our concerns about AIDS and our role in changing the sexual practices of our community." Kostrzab argued that the

sex was *not* the reason why patrons visited the bathhouse, what is certain is that management actively tried to encourage patrons to practice safer sex.

By 1986, management shut down the “orgy rooms” to prevent group sex and boarded up the “gloryholes” to prevent anonymous sex. Management also distributed a free condom, paid in part by the Minnesota AIDS Project, with every towel to each patron.<sup>125</sup> In fact, more condoms



**Figure 4.5: Martin Kostrzab, manager of the 315 Health Club, stands at the entrance to the bathhouse. Mark Brunswick, “Manager says bathhouse is misunderstood,” *Star Tribune*, Jun. 17, 1987.**

were distributed at the 315 Health Club, up to 600 per weekend in the winter of 1986, than at any other location.<sup>126</sup> In a five-month period in late 1987, more than 16,000

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bathhouse offered “excellent health club facilities and vital educational and prevention services.” That men happened to have sex on the premises was not central the establishment’s identity. Kostrzab recognized that gay men, even in light of AIDS, would not stop expressing their sexuality. For that reason, the bathhouse offered “a vitally needed, safer environment for that expression of who we are.” John Ritter, “The bathhouse and AIDS question,” *Equal Time*, Dec. 17, 1986.

<sup>125</sup> MAP worked closely with management of the bathhouse to disseminate information on HIV-prevention including offering the counseling services of a staff person for two nights a week.

<sup>126</sup> Because patrons were admitted into the establishment through the second floor—which was dark and moist from the hot tub, showers, and steam room when these were in use—management installed a table

condoms were distributed at the bathhouse, or an average of 2-3 condoms per customer.<sup>127</sup> Management prominently plastered “safer sex” posters on its walls and made brochures readily available.<sup>128</sup> Posters of muscular men in various stages of undress reminded patrons of the benefits of safer sex. A bathhouse patron commented that one could not turn a corner of the bathhouse without “seeing a poster that tells you to use a condom.”<sup>129</sup> In addition to the wide-scale condom distribution campaign, management expanded free testing for venereal disease at its Body Shop Clinic from two nights a week to four.<sup>130</sup> Management circulated warnings throughout the entire three-story “innocuous building.” Although on the first-floor, management posted hand-lettered warnings informing customers that parked cars near the bathhouse were being vandalized and cautioning customers against going home with strangers in light of the recent string of homicides against gay men, the overarching focus pertained to AIDS.<sup>131</sup> Management responded to AIDS-related concerns with a spatial approach that assumed changes to the built environment would impart, or “fix,” behavioral changes upon gay men.

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filled with informational pamphlets on safer sex. The literature encouraged patrons to partake in safer sex acts considered less risky in transmitting the AIDS virus and it likewise reminded patrons that condoms were freely distributed.

<sup>127</sup> John Ritter, “New ordinance may close bathhouse,” *Equal Time*, Jan. 20, 1988.

<sup>128</sup> In addition to distributing informational pamphlets produced by various health departments, management handed out a newspaper and a wallet-sized card indicating AIDS hot line phone numbers.

<sup>129</sup> Martin Kostrzab, manager of the 315 Health Club, insisted that high-risk, unprotected sexual behaviors had been largely eliminated at the bathhouse and that condom usage among patrons was very high. He explained that the bathhouse ordinance “doesn’t take into account the fact that men who come here are very careful about their sexual behavior. I don’t know of anyone who doesn’t use a condom. Ninety-nine percent use a condom always. It’s only common sense. You have to be a raving idiot not to protect yourself.” John Ritter, “New ordinance may close bathhouse,” *Equal Time*, Jan. 20, 1988.

<sup>130</sup> The service, which was staffed by two nurses, was available to all patrons and to any other persons wishing to be admitted for testing. In an interview with *Equal Time*, Kostrzab celebrated, “Clinic records indicate a drastic reduction in the incidence of venereal disease. We attribute much of this reduction to our educational efforts and the resulting changes in sexual practices of our community.” John Ritter, “The bathhouse and AIDS question,” *Equal Time*, Dec. 17, 1986.

<sup>131</sup> Mark Brunswick, “Manager says bathhouse is misunderstood,” *Minneapolis Star and Tribune*, Jun. 17, 1987.

Despite management's best campaigning to promote the bathhouse as one of the strongest elements in the local fight against AIDS, business continued to decline at the bathhouse as concerns about AIDS intensified. The bathhouse quietly closed its doors on March 28, 1988, four days before the City Council was scheduled to vote on the ordinance that would have dramatically altered its operations and would have eventually forced it to close.<sup>132</sup> In addition to dwindling clientele, the prospect of legally fighting the city over building regulations was a factor in closing the business. The owner of the bathhouse, Ron Pesis, a heterosexual male with a history of sex business involvement in Minneapolis, sold the building to BSR Properties. Given the bathhouse's location in the "trendy redevelopment area" of the warehouse district, the property management planned on converting the building's first floor into an upscale restaurant and the upper floors into studio lofts, which could be designed as working spaces, living spaces, or both.<sup>133</sup>

Even with the closing of the 315 Health Club, the City Council proceeded with the anti-bathhouse ordinance.<sup>134</sup> On April 1, 1988, the City Council of Minneapolis voted in favor of the bathhouse ordinance and with it outlawed heterosexual and homosexual sex outside the private bedroom. In a setback to his gay constituents, Coyle voted for the ordinance. On the eve of the vote, in an interview with the *Star Tribune*, Coyle

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<sup>132</sup> "Deaths," *Equal Time*, Oct. 12, 1988.

<sup>133</sup> "Restaurant may go into building that housed last gay bathhouse," *Star Tribune*, Mar. 31, 1988; Kate Parry, "Only gay bathhouse in Minneapolis shuts down," *Star Tribune*, Mar. 30, 1988.

<sup>134</sup> On March 21, 1988, the bathhouse ordinance won unanimous support from the City Council's Public Health and Safety Committee. It then went to the full 13-member City Council for an April 1<sup>st</sup> vote. Despite the closing of the bathhouse, the City Council pressed on. Perhaps part of the reason the City Council carried on with its efforts is that the erotic bookstores and X-rated theaters remained in operation. Coyle acknowledged that though "unsafe anal penetration" took place in the bathhouse, lower-risk sex such as mutual masturbation and fellatio was more prominent in the bookstores and theaters. If the ordinance was truly designed to fight AIDS, as Hilary and Rainville professed, using it to regulate lower-risk sex in bookstores and theaters appeared illogical and ineffective. The inconsistency between purpose and action suggests that the ordinance was designed to fight much more than AIDS. Rob Hotakainen, "Coyle in dilemma on vote to curb high-risk sex," *Star Tribune*, Mar. 30, 1988.

acknowledged that differing opinions should be expected among gay men.<sup>135</sup> As the first openly gay City Council Member, Coyle might have felt pressure to vote according to the desires of most gay men. The problem was that there was not even a general consensus among gay men. Coyle attributed these differing opinions to the various stages of denial and fear in which gay men were caught, grappling with the AIDS epidemic and coming to terms with their same-sex desires. For Coyle, the bathhouse ordinance symbolized a step towards social acceptance for gay men and lesbians. Coyle boasted, “I have a lot of confidence that the gay community is out. It’s here to stay out,” before adding, “We’re maturing as a community. Our way of life is more at stake if we go on wearing blinders.” To Coyle, those who opposed the ordinance were oblivious to the teleological development of gay male subjectivity. For anti-bathhouse activists, like Coyle, sexual promiscuity was the result of arrested development. That is, these gay men were stuck in the first stages of grieving—emotionally unable or selfishly unwilling to give up casual anonymous sex. As such, they literally endangered the livelihood of the community by failing to mature away from the sexual excesses of steamy bathhouses and sweaty dance floors. That individuals could disagree with the ordinance because they simply enjoyed casual sex was something Coyle did not publicly consider. Likewise, Coyle and others overlooked the ramifications of the ordinance on those gay men without the race and class privilege to access the private sphere.<sup>136</sup>

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<sup>135</sup> In that same interview, Coyle, who unbeknownst to the public was HIV-positive, confessed to the *Star Tribune* the emotional toll the looming vote was inflicting on him: “For me, this is not easy. I have some people who won’t speak to me. This is one of the tougher issues because it’s so emotionally laden and passionate. It deals with the stuff of life and death...I’ve been taking flak for it for months.” Rob Hotakainen, “Coyle in dilemma on vote to curb high-risk sex,” *Star Tribune*, Mar. 30, 1988.

<sup>136</sup> Coyle was not the only one who paid attention to the internal disagreements among gay men in the Twin Cities. Rainville believed the ordinance would pass, in large part, due to “the clear and broad rift in the gay community.” According to Rainville, because the local gay community was a “powerful political group,”

In that same interview with the *Star Tribune*, Coyle chided opponents of the ordinance, “Wake up. The ‘70s are over. Unlimited anonymous sex was never all that big in Minneapolis, but its days are over.” Coyle’s words strategically distanced the local gay community in Minneapolis from those in the gay meccas of New York City and San Francisco. He differentiated, “Unlike San Francisco, Minneapolis has never been terribly dependent on these practices.” Coyle called upon geographic dualisms to define and imagine the Midwest as separate from urban locales on the East and West Coasts—not just physically, but morally. Coyle re-appropriated a trope that had been previously employed to cast gay men in the Upper Midwest as provincial to re-assert the moral superiority of local white gay men as more mature and more responsible.<sup>137</sup> Coyle believed that gay men in the Twin Cities were more sexually responsible. He then used this so-called sexual responsibility to assert the moral superiority of gay men in the Twin Cities vis-à-vis the sexual irresponsibility of cosmopolitan gay men.

In response to Coyle’s vote for the ordinance, a number of his gay constituents conveyed a sense of betrayal.<sup>138</sup> In a letter to Coyle appearing in *Equal Time*, a local gay

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the City Council could only take action with a split or disagreement. It was this precise turn of events that assured Rainville the ordinance would pass. Rob Hotakainen, “Coyle in dilemma on vote to curb high-risk sex,” *Star Tribune*, Mar. 30, 1988.

<sup>137</sup> Interestingly enough, Kostrzab, who defended the bathhouse in the fight against AIDS, similarly argued that the comparison between San Francisco and Minneapolis in regards to attitudes about sex was incorrect. He argued that only a small percentage of gay men in the Twin Cities accessed the bathhouse, compared to the heavy foot traffic of bathhouses in San Francisco before health officials shuttered these establishments. He explained, “In San Francisco, sexual encounters were casualized like eating lunch. We’ve never had that. This is the Midwest. We’ve never had that kind of open sexual behavior.” John Ritter, “New ordinance may close bathhouse,” *Equal Time*, Jan. 20, 1988.

<sup>138</sup> Campbell, Alexander, and a third man identified as “John Doe” challenged the anti-bathhouse ordinance as an unconstitutional infringement of their First Amendment rights. On March 2, 1990, the Eight U.S. Circuit Court of Appeals ruled that Minneapolis officials could force commercial sex establishments to remove doors from booths where sexually explicit movies and live entertainment were viewed, as part of an effort to halt the spread of AIDS. The three-judge Circuit Court agreed with a District Court that ruled that the ordinance furthered a legitimate city interest in halting the spread of AIDS, and placed reasonable limits on First Amendment rights to distribute and view sexually explicit material. The Circuit Court, ruled that

male resident compared Coyle's endorsement of the bathhouse ordinance to Judas's betrayal of Jesus. The letter read, "We of the gay community know how Jesus felt when his 'friend' let him down, as you have done with us. He sold out for thirty pieces of silver. How many straight votes have you sold us out for?"<sup>139</sup> The letter writer reiterated what others had argued, that those who had unsafe sex in the bathhouse would still do so outside the bathhouse. He also drew attention to "not HOW many sex partners people have, but what they DO with those partners that counts." The letter writer likened the bathhouse ordinance as the latest attempt to regulate gay male sexuality: "No one's going to stop us from having sex. That's been tried and has failed for two thousand years. All you have done with Friday's vote is to throw us into highly dangerous circumstances engendering queer-bashing and police harassment." The letter writer vowed to actively work for Coyle's defeat in the next election. He concluded, "In your place, perhaps we can find a straight who'll sell out to us for some gay votes."<sup>140</sup>

### **Conclusion.**

Key to Coyle's endorsement of the bathhouse ordinance was Shilts' assertion that Patient Zero—Gaetan Dugas, an allegedly promiscuous flight attendant from Canada—was America's first person diagnosed with HIV who then went on to infect men from coast to coast in bathhouses. The story of Dugas was sensational if not outright wrong.

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the city's ban on booth doors fulfilled a legitimate purpose and did not, in fact, deprive booth owners or users of their rights. Writing for the Circuit Court's decision, Judge John Gibson declared: "We are satisfied that the city's interests in public health, specifically fighting the spread of the AIDS virus, would not be achieved as effectively without this ordinance." Gibson added, "Alexander can provide, and Campbell and Doe can watch, except in closed booths, videos or live dancing whenever and wherever they desire." Gibson also pointed out that although Alexander had "a First Amendment right to display his videos and dancers," he did not have "a guaranteed right to make a profit." Paul Gustafson, "Circuit Court upholds ban on doors in sex-oriented bookstore booths," *Star Tribune*, Mar. 3, 1990.

<sup>139</sup> "Letters: April Fool's Day and the bathhouse," *Equal Time*, April 13, 1988.

<sup>140</sup> Ibid.



Since there were various ports of entry for the virus to the United States, it is not accurate to ascribe responsibility onto a single person. Moreover, researchers have identified the virus in the country in blood samples as early as 1969.<sup>141</sup> In his history of gay male flight attendants, *Plane Queer*, historian Phil Tiemeyer confirms long-standing assertions by scholars and AIDS advocates that Dugas was *not* the first American with AIDS. In an interview with Tiemeyer, Michael Denny, Shilts's editor, confirmed that Shilts manipulated the Patient Zero narrative to garner media publicity for the book and to save it from obscurity.<sup>142</sup> The ensuing media circus was tremendous. As Dugas became headline news across the Western world, Shilts became a celebrity and earned upwards of one million dollars. Although Shilts was provided with numerous opportunities in news interviews to downplay the veracity of the claim that Dugas was Patient Zero, he reinforced the salacious details surrounding Patient Zero.<sup>143</sup>

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<sup>141</sup> Donald G. McNeil, Jr, "HIV Arrived in the U.S. Long Before 'Patient Zero'," *The New York Times*, Oct. 26, 2016.

<sup>142</sup> Shilts had shopped the book at several publishers only to be rejected. Even when he secured a publisher, media outlets refused to publicize or review the book. Publishing a book on AIDS in the mid-1980s that openly denounced the Reagan administration was not only an unpopular endeavor but also an unprofitable feat. Denny, hence, believed that without the media attention devoted to Dugas, the book would have been a failure. As a favor, a friend of Denny's in the publishing industry agreed to read the manuscript over a summer weekend to offer his advice on how to best promote the book. Denny's friend encouraged Denny to promote the book by appealing to reporters' worst sensibilities through the Patient Zero narrative. Denny had to convince Shilts that promoting the book via the Patient Zero angle was the appropriate course of action. Eventually, Shilts agreed and with this decision the Patient Zero narrative provided Shilts with a national and international media platform to chastise the Reagan administration. Phil Tiemeyer, *Plane Queer: Labor, Sexuality, and AIDS in the History of Male Flight Attendants* (Berkeley, CA: University of California Press, 2013).

<sup>143</sup> The scientific evidence to confirm the claim that Dugas was America's first person diagnosed with AIDS did not exist. As a result, Shilts resorted to "artful writing and outright misrepresentations." To bolster his claim, Shilts heavily relied upon a cluster study conducted by the CDC. In the study, Dugas was designed the index case with an "0." Researchers selected one person as the index case to show the importance of sexual connections between men diagnosed with AIDS. As the arbitrary hub of the study, Dugas' sexual activity, therefore, stood at the center of the study. However, researchers could have very well gone with another man as the index case and, in turn, his sexual activity would have been central to the study. Although the evidence confirming Dugas as America's first case of AIDS was clearly lacking, what was not lacking was evidence of Dugas' plentiful sex life and his unwillingness to alter his behavior even after his diagnosis. Shilts's analysis, therefore, supported what the CDC had already claimed that Dugas was among the first cases of AIDS in North America. But he was not the origin of the epidemic.

The political consequences of Denny and Shilts's decision to exploit Dugas as Patient Zero were substantial. Ironically enough, as white gay leaders worked to overturn public perception that gay male sexuality was compulsive, deadly, and immoral in hopes of supporting prevention, research, and health care for PWHAs, Shilts's book inadvertently confirmed for much of the American public that AIDS was a disease born of gay immorality, not institutional neglect. Tiemeyer explains, "Shilts's account of Patient Zero reinforced for the public that men who engaged in anal sex and cavorted in bathhouses not only were immortal but also invited plague-like diseases on themselves and the rest of society." According to Tiemeyer, Shilts presented social conservatives with the ultimate political gift: "a revolting story of a beautiful, promiscuous, foreign, gay male flight attendant so hedonistic that he introduced a killer [African] virus into North America and then recklessly spread it from coast to coast" including the American heartland. The ease with which the myth of Patient Zero became the origins story of AIDS in America underscores society's deep unease with the post-Stonewall sexual freedoms of gay men. The public opprobrium against gay promiscuity that Shilts's book aroused was materially consequential as witnessed in the passage of laws and restrictions designed to curtail the movement of PWHAs, especially those against sex workers of color, like those I discuss in chapter three.<sup>144</sup> Moreover, as a foreigner, Dugas symbolized

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Although Shilts never outright claims that Dugas was the first, through "the omission of key facts, misconstrual of CDC data, and colorful embellishments," he leads the reader to think this to be the case. Shilts openly referred to Dugas as "the Quebecois version of Typhoid Mary." According to Tiemeyer, by embracing her legacy as that of Dugas, Shilts implied that Dugas played a similar role, that he was a foreigner who brought an African disease to the United States before spreading it from coast to coast. Ibid., 174.

<sup>144</sup> As a result of Shilts's Patient Zero narrative, conservatives used AIDS as a barrier against gay civil rights. The release of *And the Band Played On* coincided with an intensified outbreak in America's cultural battle over AIDS. In an effort to eliminate PWHAs from the public sphere, conservatives enacted de facto AIDS quarantine in novel fashion against prisoners and immigrants. In 1987, Congress passed a bill by

all immigrants who deserved to be denied entry into the United States. Thus, Patient Zero provided Shilts and white gay leaders with a foil—a foreign one at that—on whom they could assert their morality and respectability.

The anti-bathhouse ordinance in Minneapolis epitomizes the complex nature of the relationship between commercial sex establishments and the state. Although at times police departments tolerated gay bathhouses as pragmatic solutions to the problem of controlling sex in public places, by the 1980s gay bathhouses once again entered the watchful eye of governmental institutions. In the wake of the HIV/AIDS epidemic, attacks on gay bathhouses made use of the rhetoric of sin, disease, and crime to justify the banishment of homosexuality away from the public's eye. The state's regulation of gay bathhouses showcases the state's prerogative in establishing the parameters of private and public spheres. Because sodomy remained illegal throughout the country in the 1980s, it was not entitled to the same protections afforded to heterosexual relations. Sodomy and other so-called acts against nature, therefore, were public and, by extension, vulnerable to the regulation of city agencies. At face value, it may appear as though the goals of these urban campaigns against commercial sex establishments were largely to protect public morals, health, and safety. However, the anti-bathhouse ordinance in Minneapolis also confirms that city governments used the panic associated with the HIV/AIDS epidemic to pass laws designed to curtail public sexual cultures and boost private real estate investment, a point I turn to in the next chapter.

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Sen. Jesse Helms forbidding immigrants with HIV from seeking citizenship. At the same time, several states implemented legislation to jail those with HIV/AIDS who purposely spread the disease, as I discuss in chapter three. Other states passed laws authorizing medical quarantines for "non-compliant" AIDS carriers. Weeks after the release of Shilts's book, Helms and Congressman William Dannemeyer, a conservative Republican, sponsored a new law designed to cut off federal funding to AIDS groups whose materials openly promoted homosexuality. According to Tiemeyer, "The law's passage marked for the first time that AIDS policy had been used as a punitive tool against homosexuality itself." *Ibid.*, 169.

The anti-bathhouse ordinance in Minneapolis and the crackdown on commercial sex establishments across the United States in wake of the HIV/AIDS epidemic reiterates the crucial role that racialized norms of sexual hygiene play in marginalized communities petitioning the state for social membership. White gay leaders emphasized their adherence to norms of gender, sexuality, and domestic space so as to vouch for the moral fitness of gay men for citizenship. This process of relational valuing made use of racialized sexuality and public cultures but only as the antithesis of a burgeoning racial formation of homonormativity anchored in private property. In the next chapter, I continue my analysis of the spatial regulation of gay male sexuality by looking at a proposed anti-cruising sex law in Minneapolis designed to limit public sexual cultures. Whereas the anti-bathhouse ordinance delimited the physical spaces where gay men could congregate for public sex, the anti-cruising ordinance instituted an apparatus of neighborhood surveillance that used a discourse of “safety” to sanitize the public sphere of dissident forms of sexuality and that vouched for the gentrification of said spaces.

## **Chapter Five.**

### **Cruising the Neoliberal Terrain: AIDS Evictions, Gay Gentrification, and Domestic Partnerships**

#### **Introduction.**

By 1989, the City Council of Minneapolis had, under the guise of HIV-prevention, aired out the sweaty steam from the city's bathhouse and nearly forced the city's erotic bookstores and X-rated theaters out of business. Gay leaders believed that closing and/or regulating commercial sex establishments would further compel gay men into long-term, monogamous relationships, which they heralded as another safety mechanism in the fight against both HIV/AIDS and anti-gay hate violence. However, in promoting homonormativity as a cure for these public social ills, leaders endorsed the criminalization of public sexual cultures all the while priming blighted urban spaces for redevelopment. As the centerpiece of public sexual cultures in Minneapolis, Loring Park was targeted for regulation.

Large public parks, like Loring Park, became popular sites for cruising for sex among men after World War II. At the height of gay liberation in the 1970s, cruising for sex in public fulfilled a number of libidinal and social needs. To ensure the anonymity of participants, cruising—the walking or driving about a location in search of an anonymous, casual, and one-time sex partner—often occurs under the cover of darkness. Public parks became particularly appealing to heterosexual-identified men since these venues were often located on the urban fringes away from home. And, unlike bathhouses, public parks did not require the collection of patrons' personal information. In Minneapolis, Loring Park became the epicenter of Minneapolis's gay residential

community immediately following the destruction of the Gateway District in the 1960s, the city's then-red light district located just north of downtown along the Mississippi River.<sup>1</sup> The neighborhood became popular among gay men due to its abundant cruising areas in the park, its close proximity to the city's gay bars in downtown Minneapolis, and its affordable housing.<sup>2</sup> The park itself became a hub of male sexual activity given its geographic centrality, the darkness of its pathways, and the lush foliage that contributed to its anonymity. These very same factors that made Loring Park appealing to men searching for casual sex, nonetheless, also made it dangerous. As I discuss in chapter two, a number of gay men killed in the 1980s met their assailants at the park and police often cracked down on public sex there through entrapment techniques.

The status of Loring Park as the city's "gayborhood" was short-lived. It too suffered a similar fate to the Gateway District. As Loring Park underwent large demolition projects, it transformed into an upscale address that witnessed the decimation of gay public spaces. From 1977 to 1980, large sections of the neighborhood were bulldozed to make way for the campus of the Minneapolis Community and Technical College, the Loring Greenway, and Interstate-94.<sup>3</sup> As a result of this urban renewal, community centers, restaurants, bookstores, coffeehouses, and political collectives that once provided services to gay men and lesbians in Loring Park vanished. In turn, the demise of Loring Park's gay public spaces, in general, and its public sexual cultures, in

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<sup>1</sup> The 315 Health Club anchored the city's gay district to the north while Loring Park anchored it to the south.

<sup>2</sup> Stewart Van Cleave, *Land of 10,000 Loves: A History of Queer Minnesota* (Minneapolis, MN: University of Minnesota Press, 2012), 233.

<sup>3</sup> The Loring Greenway is a landscaped pedestrian walkway used by thousands of people every day as they commute between Minneapolis's downtown and the residential areas surrounding Loring Park.

particular, bolstered gay domestic arrangements.<sup>4</sup> The project of urban renewal, through the decimation of gay public spaces in Loring Park, played an active role in pushing white gay men into domestic arrangements and, by extension, rendering “private” gay male sexuality. This process, I show, was not only dependent upon the demonization of public sexual cultures but hinged on subjecting racialized sexuality to further state surveillance.

In this chapter, I first discuss a proposed anti-cruising ordinance designed to crack down on public sexual cultures in and around Loring Park. I focus on how some white gay residents of Loring Park endorsed the ordinance as a vehicle towards gentrification and sexual normativity. AIDS moral panic afforded white gay leaders with a conduit through which they could push for the eradication of public sexual cultures and the spaces that incubated such practices. On the other end, queer activists mobilized against the ordinance by tying the crackdown on public sexual cultures to mounting moral and economic conservatism. Next, I discuss how gay leaders introduced a domestic-partners’ ordinance to symbolically legislate the civic inclusion of white, middle-class same-sex households. I emphasize that leaders mounted the legislative proposal to disperse citizenship rights, benefits, and protections for white, middle-class same-sex households in relation to the curtailment of public sexual cultures. This strategy, I argue, facilitated the gentrification of urban spaces by treating domestic space as the locus of gay male demands on the state for citizenship. I finish this chapter by underscoring the spatiality of homonormativity vis-à-vis urban renewal practices and AIDS evictions.

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<sup>4</sup> As I discuss in the conclusion to this dissertation, the first-ring suburbs of Minneapolis, in particular Golden Valley, became ideal choices, in the 1990s, for gay men and lesbians comprising the middle- and upper-class that also sought to start families.

Because the policies and practices associated with gentrification were so central to the eradication of public sexual cultures, white gay leaders embraced the notion that the gentrification of popular cruising zones would curtail rates of HIV transmission. According to this logic, the more gentrified a neighborhood, the safer it became in terms of AIDS. City officials with their own global cityhood aspirations favored this approach since they were able to hide behind the veneer of public health all the while issuing mandates that criminalized identities and practices unsavory to capital accumulation and anathema to domestic bliss. With the mantle of public health in tow, city officials faced little if any opposition, except from an unruly group of socially-frowned upon queer activists whom other white gay leaders simply discarded as being unwilling to give up the immaturity of casual sex with anonymous partners.

### **Anti-Cruising Ordinance.**

In the middle of a tough re-election campaign in 1989, Barbara Carlson, a City Council Member, proposed an ordinance meant to end late-night traffic around Loring Park by authorizing law enforcement agencies with the power to crack down on public sex acts.<sup>5</sup> In cold northern climates like Minnesota, automobile cruising is a popular public sexual practice. Under Carlson's proposed ordinance, the City Council of Minneapolis would have been allowed to establish "no-cruising" zones. The ordinance also allowed police to stop motorists who drove through a control point twice and present them a verbal warning. On the third pass, an officer would have issued a citation with a

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<sup>5</sup> The *GLC Voice* suggested that Carlson's anti-cruising ordinance may have been strategic in light that many gay men and lesbians favored another candidate for Carlson's 7<sup>th</sup> Ward seat, in a hotly contested council race. The 7<sup>th</sup> Ward stretched from Lake Calhoun through Kenwood and Loring Park to include downtown Minneapolis. Many gay male residents lived within its borders.



fine up to \$200 and/or arrested the driver.<sup>6</sup> Carlson claimed to have been responding to complaints from her constituents who reported that late night cruising by men searching for male prostitutes disturbed the neighborhood, generated criminal activity, and damaged the area's reputation. Adamant that the anti-cruising ordinance was not targeting gay men, Carlson underscored that the ordinance was intended to preserve the neighborhood's public safety. The ordinance, nevertheless, made no distinction between cruising among gay men where no money was exchanged and gay prostitution where money was exchanged.<sup>7</sup> All manifestations of gay male sexuality in public were, thus, cast with a suspicious eye and open to police intervention. To that extent, the anti-cruising ordinance tailored the physical landscape of Loring Park to the cultural values of racialized norms of sexual hygiene—domesticity, intimacy, privacy, and respectability—which, in turn, were central to the proliferation of gentrification schemes.

At a neighborhood meeting on September 14, 1989, a boisterous crowd of more than one hundred heard and expressed opinions about the ordinance. Supporters of the ordinance—a number of white gay male residents—insisted that the problem was not sexual orientation, but rather “quality of life.”<sup>8</sup> A gay male resident of Loring Park

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<sup>6</sup> Carlson modeled the anti-cruising ordinance after a similar one passed in Anoka, Minnesota, to stop cruising by teenage drivers during certain nighttime hours. The law provided a model for arresting someone who had driven three times past a watch point in a redlined area. David Anger, “Carlson targets Loring cruising after complaints,” *Equal Time*, Sep. 13, 1989.

<sup>7</sup> Although the ordinance was aimed at curbing “male prostitution” in the Loring Park area, the *Star Tribune* reported that the ordinance could also have been used to crack down on female prostitution and drug trafficking anywhere in the city. Neal Gendler, “Cruising law gets mixed reviews,” *Star Tribune*, Sep. 15, 1989.

<sup>8</sup> The meeting was attended by “two reporters, two police officers, men, women, whites, blacks, gays, straights, young, elderly, the dapper, the disheveled.” Peter Ginder, representative from the city attorney's office, opened the meeting by discussing the definition of “cruising” as outlined by the ordinance: “Cruising is the operation of a motor vehicle which passes the traffic control point three or more times between the hours of 9 p.m. and 6 a.m. in a no cruising zone.” The ordinance did provide exemptions, although these did not apply to residents. The ordinance did not apply to “taxicabs, buses, authorized emergency vehicles, or other vehicles driven solely for business purposes.” The last exemption drew

asserted that his own sexual orientation was irrelevant. What mattered, he claimed, was that as a resident of Loring Park he had the right to be free from “dangerous” people in doorways and from all-night noise, including “Madonna blasting from car radios.”<sup>9</sup>

Although supporters of the ordinance deemed it a legitimate effort to provide relief to a frustrated neighborhood, opponents protested that the ordinance amounted to nothing but a homophobic overreaction that infringed on people’s right to free movement.

At the meeting, opponents peppered the night with shouts of “Move to the suburbs.”<sup>10</sup> They openly questioned the protocol through which police would determine who was and was not a resident of Loring Park. In response, an officer from the Minneapolis Police Department’s SAFE (Safety is for Everyone) unit assured the audience, “The police are not out to get the residents. Prostitutes and people cruising do not live in the area.” After some in the crowd became upset that they might have been forced to prove they lived in the neighborhood, the officer assured the crowd that officers working in the area tended to know who lived there, and that the ordinance would not be applied every night; occasional enforcement would have delivered the message. This exchange between supporters and opponents to the ordinance emblemizes the

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immediate laughter and applause from the audience at the community forum. Herbert Morgan, “Cruising law hotly debated,” *The Surveyor*, Oct. 1989.

<sup>9</sup> Neal Gendler, “Cruising law gets mixed reviews,” *Star Tribune*, Sep. 15, 1989.

<sup>10</sup> Opponents took jabs at Carlson several times during the three-hour session with one of them shouting: “When did you discover the gay community?” To this accusation, Carlson angrily replied, “This for me is not a gay issue. This is an issue of public safety. I have been involved in the gay community and have had gay friends for about 25 years!” The *Star Tribune* described gay men’s criticism of Carlson “ironic” since “she has long been considered an advocate of gay causes.” The *Tribune* reported that when Carlson had announced in February of 1989 that she would not seek re-election (only to change her mind), Coyle described her as the “second-best friend” gay men and lesbians had on the council, “if not coequal to me.” The *Tribune* described gay men and lesbians as a “potent political force,” however they lacked that “citywide, make-or-break power” because they were unable to pass a domestic-partnership ordinance due to internal divisions and homophobia from conservative politicians. The *Tribune* observed that the split among gay men and lesbians in the Seventh Ward council race revealed that gay men and lesbians did not all think or vote in a bloc, even on what might have been considered gay issues. Dennis J. McGrath, “Gays, lesbians wielding political influence,” *Star Tribune*, Oct. 3, 1989.

discursive centrality of “safety” in justifying the surveillance of such public urban spaces as Loring Park under neoliberalism. Safety, in turn, masked deeper racial anxieties that lay at the forefront of who was and was not a rightful resident of Loring Park.

Anticrime neighborhood initiatives in Loring Park essentially merged with mainstream LGBT antiviolence efforts, both of which functioned in the service of gentrification. In *Safe Space*, historian Christina B. Hanhardt shows that safe street patrols in the 1970s in San Francisco and New York City publicized antigay street violence in order to bolster arguments for designated gay neighborhoods. These safe street patrols, much like white gay male residents of Loring Park, demanded police protection and promoted identity-affirming practices that asserted and protected the safe space of their neighborhood. Nonetheless, because safe street activists understood antigay violence and, by extension, homophobia as rooted in racial difference and poverty, Hanhardt indicates that the identity that came to be protected as “gay” reflected the race, class, and gender particularities of the neighborhood itself: white, gay, and male.<sup>11</sup> Hanhardt’s analysis underscores that calls for safe space by gay residents—articulated via a single-issue framework—tend to neatly align with patterns of gentrification that consist of the cleanup of poor, people of color. Although race was hardly, if ever, explicitly stated by gay male residents of Loring Park who embraced the anti-cruising ordinance, what remains certain is that if police understood “gay” as an identity that cohered around particular racial and class norms, then queers of color who congregated in the neighborhood—out of a desire to partake in the social and libidinal pleasures of gay

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<sup>11</sup> Christina B. Hanhardt, *Safe Space: Gay Neighborhood History and the Politics of Violence* (Durham, NC: Duke University Press, 2013).

communal life—would have likely been subjected to the regimes of surveillance propagated by the anti-cruising ordinance.

The majority of queer activists who protested the city's anti-bathhouse ordinance (and the public sex law discussed in chapter one) similarly opposed the anti-cruising ordinance. Contrary to media reports, opponents maintained that cruising in Loring Park did not involve the exchange of money. Instead, they argued that cruising served to expand social contacts beyond the confines of gay bars and public health campaigns against commercial sex establishments. Cruising, they argued, was not alcohol or drug centered and it attracted men from all walks of life including those who did not identify as "gay." One of these queer activists penned a letter to the *GLC Voice* to express his disapproval of the Carlson-sponsored ordinance. Eric Shambach likened the ordinance's restriction on movement to the Group Areas Act of South Africa, which was implemented to constrain the bodily movement of blacks in designated neighborhoods and townships.<sup>12</sup> Even though Shambach rightfully pointed out that the anti-cruising ordinance was intended to restrict bodily movement, by comparing white gay men in Minneapolis to blacks in South Africa, he failed to note that the anti-cruising ordinance in Minneapolis would have likely targeted poor, people of color, including blacks and Native Americans—both heterosexual and queer—more so than white gay men who were more fully able to "pass" as residents in a neighborhood with a large concentration of white gay male residents.

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<sup>12</sup> Shambach indicated that the ordinance would have bestowed even greater power to a police department that had recently killed an elderly black couple in their home during a drug raid gone awry. Moreover, because Carlson had bypassed the "tiresome details of democracy," Shambach claimed that Carlson ought to have renamed Minneapolis into "New Johannesburg." "Letters: Rename Minneapolis New Johannesburg," *GLC Voice*, Sep. 5, 1989.

The proposed criminalization of public sexual cultures in Loring Park mobilized a group of queer activists, like Shambach, to form a direct-action group called FAGS (Friends Against Gay Suppression).<sup>13</sup> As an offshoot of the local ACT-UP chapter, FAGS promoted the concept of “outrageous activism” or “a blend of direct political action, gay-guerilla street theater, protest marches, and civil disobedience.” FAGS was a grassroots organization that worked to undermine the perception that public sex was equivalent to unsafe sex and to re-signify commercial sex establishments as crucial to providing HIV/AIDS education and prevention, especially for men who had sex with other men without identifying as “gay.” Given its ideological investments and strategies of mobilization, FAGS repudiated any sort of collusion with a culture and politics of middle-class respectability. Because it opposed the eradication of public sexual cultures and commercial sex establishments, FAGS operated in opposition to gentrification schemes. FAGS also organized voter registrations and sponsored rallies against Carlson including one particularly noteworthy protest outside her home.

In the early morning hours of Sunday, October 1, 1989—after bars closed—members of FAGS staged a “cruise-in” outside Carlson’s home to protest her proposed anti-cruising ordinance. Members of FAGS had distributed handbills at gay bars two days in advance encouraging patrons, “Cruise around Barbie’s house.”<sup>14</sup> Many protesters wore pearls and dressed in black to imitate Carlson’s trademark wardrobe. A number of them

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<sup>13</sup> Five local gay activists founded FAGS on the September 17, 1989. Co-founder of the group, Dean Amundson, described the group as being “gay activism what ACT-UP is to AIDS activism.” FAGS promoted the concept of “outrageous activism” or “a blend of direct political action, gay-guerilla street theater, protest marches, and civil disobedience.” Its first event was a community forum held to discuss ways of stopping Carlson’s proposed anti-cruising ordinance. “Gay Activists Form Political Action Group,” *Twin Cities GAZE*, Oct. 5, 1989.

<sup>14</sup> The flyers also gave out Carlson’s phone number and encouraged people to voice their disapproval of the ordinance. Gregor W. Pinney, “Council shelves anticruising ordinance,” *Star Tribune*, Oct. 3, 1989.

carried defaced Carlson campaign posters. About 40 to 80 protesters had gathered. As the protesters walked up to Carlson's home, they found one of the streets to Carlson's neighborhood blocked off with traffic pylons. Under the lens of television cameras, an angered Tim Campbell, editor of the *GLC Voice* and a frequent critic of Carlson, grabbed one of the rubber cones and slammed it repeatedly against Carlson's front door.<sup>15</sup> Clad in pajamas, and pearls, Carlson soon appeared to give a television interview. Behind her, in full view of the television cameras, Campbell scuffled with Carlson's husband before being wrestled to the ground by one of Carlson's neighbors.<sup>16</sup> Even though some members of FAGS expressed anger at Campbell's pylon knocking incident, one member of FAGS, Wolfgang Wolf, declared the cruise-in a rousing success.<sup>17</sup> The next day, the anti-cruising ordinance was the lead item on all four of the city's television news programs.<sup>18</sup>

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<sup>15</sup> Campbell told the *Star Tribune* that his actions stemmed from "an unpremeditated rage" as this was "a very serious issue for members of the gay community that some of those in the straight world cannot take seriously." "Campbell, Carlson file complaints with police over scuffling incident," *Star Tribune*, Oct. 04, 1989.

<sup>16</sup> Although police were called, no one was arrested. Both Carlson and Campbell filed complaints against each other with the police. Carlson's complaint alleged damage to property, disorderly conduct and theft, with stolen items including four political lawn signs. Ibid.

<sup>17</sup> In an interview with the *Star Tribune*, Campbell said he had little patience for those who did not like his style. Campbell explained, "They're trying to get by on being polite. That's the survival technique of the majority of gays. Don't confront, be polite...Faggots aren't supposed to get angry." Campbell confessed that he would have liked to speak in reasonable tones all the time, but when he did that, people stopped listening. He said, "When I present well-thought-out written statements, I am ignored. So what would you do to make your point? Look at black civil rights. Until the Black Panthers came along, it was a bunch of liberal lip service." There were more important matters than being seen as reasonable and acceptable. He critiqued "the acceptable" record of Coyle. Campbell argued that Coyle was "acceptable to a lot of people," but he could never settle for being like Coyle. Robert Jacobson, "FAGS Protest Carlson's Proposed Anti-Cruising Ordinance," *Twin Cities GAZE*, Oct. 05, 1989.; Doug Grow, "You can call Campbell gadfly, but not a spokesperson," *Star Tribune*, Oct. 3, 1989.

<sup>18</sup> The encounter between Carlson and Campbell was so unpleasant that Coyle, who opposed the ordinance, told *City Pages* he had tried staying out of the confrontation because "I don't want to get in the middle of a bitch fight between two queens." After the pylon incident, Carlson told *City Pages* that Campbell had "finally gone over the edge," before adding that if one were to meet Campbell and think he was representative of all gay men, then "all of your worst homophobic beliefs would have come true." Robert W. Peterson, "A Bruising Over Cruising in Minneapolis," Dec. 5, 1989.

Not everyone agreed with FAGS's defense of Campbell.<sup>19</sup> In fact, Campbell's tactics became a point of contention among many white gay men in the Twin Cities who were embarrassed over his actions. The editors of *Twin Cities Gaze* published a number of letters from readers who openly criticized Campbell's scuffling with Carlson's husband. One local gay man apologized to Carlson for Campbell's actions on behalf on the entire local gay community: "As a member of the Twin Cities Gay Community, I would like to apologize for the unconscionable behavior of Mr. Tim Campbell regarding your proposed 'anti-cruising' ordinance in Loring Park." He added that while Campbell himself and the media treated Campbell as a spokesperson for "our community, nothing could be farther from the truth. What Mr. Campbell is doing is grand-standing and making a general nuisance of himself, and giving all of us a bad name."<sup>20</sup> Campbell's critics found his style of headline grabbing and confrontational tactics incommensurate to garnering mainstream respect. He openly talked of sex, supported cruising, and defended commercial sex establishments. In response to his critics who believed that Campbell's blunt message would not sit well with the general public, Campbell insisted he had a

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<sup>19</sup> Campbell told the *Star Tribune* that concern about traffic and noise problems during early morning hours in the Loring Park neighborhood were exaggerated. After the closure of the 315 Health Club, Campbell claimed that erotic bookstores, X-rated theaters, and public parks and beaches where gay men gathered were coming under increased scrutiny. Because the anti-cruising ordinance targeted public sex in Loring Park—one of the last ways through which gay men socialized with one another—Campbell argued that the ordinance was nothing more but another attack on gay men. He observed that there had been a steady stream of such attacks in recent years, many of them masquerading as protecting gay men from HIV/AIDS. Campbell demanded that "straight people who go to bed at 9 p.m. should be able to dictate about a world they know nothing about." He called the ordinance "probably the most anti-gay law since the McCarthy era" because it "allows the police to control and slow traffic in a gay neighborhood." And he predicted that this law would become "a basis for gay bashing" since it criminalized gay movement. Mark Brunswick, "Gay protests against Barbara Carlson get rowdy," *Star Tribune*, Oct. 2, 1989.; Robert Jacobson, "FAGS Protest Carlson's Proposed Anti-Cruising Ordinance," *Twin Cities GAZE*, Oct. 05, 1989.

<sup>20</sup> Another letter writer recognized that even though Campbell had previously "done good for the community," Campbell's recent actions in regards to the anti-cruising ordinance were "harming the image of the gay and lesbian community." The letter writer insisted that Campbell ought to have been defending the ordinance since cruising *did* pose a disturbance to Loring Park and ought to have been stopped. "Letters to the Editor," *Twin Cities Gaze*, 1989.

responsibility to openly discuss gay sex even when others did not wish to speak of it. In an interview with the press, Campbell explained, “Some people would like to see the gay rights movement as a civil rights movement rather than as part of the sexual revolution. In reality, the vast majority of people still have to go through their private sexual revolution before they’re ready to deal with civil rights.” For Campbell, any attempt at gay civil rights necessitated an open and frank discussion about one’s right to sexual expression. Any attempt at gay civil rights would prove fruitless if gay men did not first possess a right to unfettered sexual expression. Campbell accused moderate gays, including Coyle, of wanting “to render gay men eunuchs and asexual beings” in the eyes of heterosexuals.” He exhorted, “Admitting that we have sex is not admitting that we are obsessed by it.”<sup>21</sup>

The anti-cruising ordinance, Campbell argued, amounted to an effort by city officials—in conjunction with white gay leaders and private developers—to gentrify Loring Park. He explained that the ordinance appealed mostly to “landlords in a neighborhood where the struggle between the rich, white and mostly straight absentee landlord is pitied against the gay renter and his life style.” In an op-ed published in the *GLC Voice*, Campbell explained that gay men had been responsible for rendering the neighborhood livable only now to be driven away by a wave of “yuppie” residents: “Before the return of the gentry to the inner city, gays were considered the most desirable of the folks of modest income who were interested in living in the Loring area. Now, the landlords hope they can rent to the yuppie gentry and overt signs of gay lifestyles have to

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<sup>21</sup> Robert W. Peterson, “A Bruising Over Cruising in Minneapolis,” *City Pages*, Dec. 5, 1989.



go.”<sup>22</sup> Campbell’s comments suggest that the anti-cruising ordinance was designed to rid the public sphere of overt expressions of gay male sexuality in order to enable gentrification. Campbell, however, failed to note that some white gay male residents of Loring Park themselves—the racially and economically privileged contingent—were poised as beneficiaries of this wave of gentrification. That is, gentrification—by eliminating spaces of public sex—would have also restructured the cultural and social practices of white gay men in Loring Park, away from dissident forms of sexual expression towards respectable embodiments of gay domesticity.

While Campbell challenged the homonormalizing imperatives of gentrification, others actively embraced these impulses so as to disaggregate “sexuality” from gay identity. In a letter to the editor of the *Twin Cities Gaze*, Joe K. and Pete S., a gay couple, defended the anti-cruising ordinance from accusations that it amounted to anti-gay legislation. The couple wrote: “As homosexuals, we do not condone nor support prostitution any more than does the heterosexual population.” In defending the ordinance as pro-gay, the couple hoped to distance gay male sexuality from the practices of casual anonymous sex and prostitution. The couple argued that gay “prostitutes in Loring Park are no more or no less part of our community than are prostitutes in heterosexual society a part of that society.”<sup>23</sup> They endeavored to convince the public that same-sex couples were, for the most part, just like heterosexual couples. The couple even claimed that “one of our greatest tasks in today’s society is to show the majority that our lifestyle is no different than that of heterosexuals.” The couple acknowledged that although “many

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<sup>22</sup> Tim Campbell, “So what’s the big deal about cruising in Loring Park?” *GLC Voice*, Oct. 16, 1989.

<sup>23</sup> The couple also echoed the sentiment of others who argued that Campbell was not a representative of the gay and lesbian community and, as such, his actions ought not “to influence [the city’s] efforts to clean up the city.” “Letters to the Editor,” *Twin Cities Gaze*, 1989.

people perceive gay people as being sexually out of control” and having no “values and morals around sexuality,” “we seek the same compassion, caring, tenderness and commitment that heterosexual people seek.” The couple concluded that there was a large percentage of gay men who were “unheard” and “unseen” by the general public since “we fit in with them. We share their basic values. We have careers. Many of us share meaningful relationships with a large number of heterosexuals. We believe that we are the majority in the gay community.”<sup>24</sup> Here, the gay couple endorsed the anti-cruising ordinance—the criminalization of public sex—so as to emphasize white gay men’s legibility within a raced heteronormative rubric of sexuality.

Two days after the traffic pylon incident at Carlson’s home, on October 2, 1989, the Public Health and Safety Committee of the Minneapolis City Council discussed the anti-cruising ordinance. In attendance were several members of FAGS who wore masks of Carlson. A mustached protester wore a lavender dress and a set of pearls (Figure 5.1). Also present were gay residents of Loring Park who asked the committee to endorse the ordinance in order to deter late-night traffic, drugs, prostitution, and blaring car radios. Worried that Campbell’s actions would be seen as representative of “the gay community,” Dick Brown, an outspoken critic of public sexual cultures, conveyed his support for the ordinance by denouncing FAGS: “Some of the gay fanatics are so concerned about gay rights they don’t have any respect for anyone else’s rights.”<sup>25</sup> The

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<sup>24</sup> Ibid.

<sup>25</sup> Brown stated that Campbell represented “some radical edge,” before adding, “It’s not even radical. He represents the bar crowd, nothing more. I think Campbell has done more damage to gay causes than any...conservatives could.” Brown believed that there might have been a time for Campbell’s tactics, but that time had already passed. In some parts of the country, the law now recognized the civil rights of gay men and lesbians. There were libraries and bars and churches where gay men and lesbians *could* congregate. Doug Grow, “You can call Campbell gadfly, but not a spokesperson,” *Star Tribune*, Oct. 3, 1989.

*Star Tribune* described the meeting as a public hearing that at times “rose to thoughtful debate on domestic tranquility vs. civil liberties,” however, “in the end, it descended into chaos, with gay activists shouting at Minneapolis City Council members and one member walking out after asking police to file charges.”<sup>26</sup> Committee members shelved the ordinance since they worried about its enforcement and Carlson’s political motives.<sup>27</sup> The committee pushed the measure to just before the November

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<sup>26</sup> Gay activist Wolfgang Wolf loudly demanded that the committee read a letter from the MCLU and another protester Rick Simon, shouted, “The rich are taking over the city, and the poor can go to hell.” Gregor W. Pinney, “Council shelves anticruising ordinance,” *Star Tribune*, Oct. 3, 1989.

<sup>27</sup> In an op-ed, the *Star Tribune* applauded the Public Health and Safety Committee for postponing the anti-cruising ordinance after that year’s November election. Although Carlson insisted that her concern was late-night traffic around Loring Park associated with cruising for male prostitutes, the *Tribune* described the matter as having “inflated into a political football in Carlson’s reelection campaign.” Once the election had passed, the council would take a second look at the ordinance. However, even then, the *Tribune* predicted that the council would find the ordinance to be “sorely lacking.” The *Tribune* concluded, “We sympathize with Loring Park residents, as we do with people in other neighborhoods suffering from noisy late-night traffic and extensive illegal activity. But laws that punish people simply for being in an area aren’t the way to address the problem, especially when better alternatives are available.” Campbell, however, disagreed with the *Tribune*’s assessment that the anti-cruising ordinance was not a “homophobic overreaction” given Carlson’s “demonstrable lack of bias against gays.” Campbell argued that Carlson’s proposed ordinance was anti-gay because “it is a frontal attack on an age old social custom distinctively associated with the gay community.” The ordinance, Campbell argued, also “redlines Minneapolis’s most obvious gay neighborhood...for special traffic control and for special observation due to the proposition that people will have criminal intent.” Campbell also pointed out that cruising in Loring Park did not involve the exchange of money as the mainstream media reported. The ordinance was also anti-gay for Campbell because it unfairly singled out prostitution and drug-dealing in Loring Park when such activities when undisturbed in other areas of the city. If the ordinance were merely about safeguarding quality-of-life including traffic and noise Campbell wondered why areas around the Metrodome where “obnoxiously straight” and “rowdy redneck” sports fans were not targeted for regulation despite the presumed presence of prostitutes, cocaine, and gambling. Tim Campbell, “So what’s the big deal about cruising Loring Park?” *GLC Voice*, Oct. 16, 1989.; “Reasons to reject an anticruising ordinance,” *Star Tribune*, Oct. 7, 1989.



**Figure 5.1: Members of FAGS protest by wearing Barbara Carlson's masks and signature pearls at the anti-cruising ordinance. Dennis J. McGrath, "Gays, lesbians wielding political influence," *Star Tribune*, Oct. 03, 1989.**

election. Like the anti-bathhouse ordinance before it, the anti-cruising ordinance underscored the role of public sexual cultures as a negative referent in defining a burgeoning homonormative culture and politics.<sup>28</sup>

Those gay men who endorsed the anti-cruising ordinance defended it by re-narrating it as a form of HIV-prevention. They maintained that the gentrification of Loring Park would help curb rates of HIV-transmission by reducing the spaces where gay men went to have sex. This sentiment was expressed on a computer-based bulletin board system coordinated by the *Twin Cities Gaze*. The author of "Message #9" reframed the ordinance as HIV-prevention when he scolded married men who cruised for sex in

<sup>28</sup> As the meeting was adjourned, chair Sandra Hillary closed by saying that if such a "cruise-in" event had occurred at her home, she would have had everyone arrested. Campbell angrily and vocally denounced Hillary's statement, causing a disruption: "I am angry. I was angry. I said it in an angry way. We should get in touch with our anger...My behavior contributed to our victory" of tabling the ordinance. He concluded, "We won. The community should be applauding." However, Coyle believed that Campbell's actions at the demonstration outside Carlson's home and in the meeting at City Hall were damaging. Coyle said, "This will catalyze sympathy votes for [Carlson] and for the ordinance. Robert Jacobson, "FAGS Protest Carlson's Proposed Anti-Cruising Ordinance," *Twin Cities GAZE*, Oct. 5, 1989.

Loring Park and then returned home to their wives and children. He admonished these men: “From a public health point of view, I think it is time that the city took action to discourage the hustlers and their customers (mostly married men), who meet the hustlers and take home God-knows-what diseases to their unsuspecting wives.” According to the author, it was “hustler activity with married men” that posed a “continuing weak link” in the city’s attempt to curb the rates of HIV/AIDS.<sup>29</sup> As the analysis of the author of “Message #9” attests, the anti-cruising ordinance touched on anxieties of transmission to white, suburban families—a concern that was racially coded through the figure of the prostitute of color with AIDS. Therefore, the anti-cruising ordinance, like the anti-bathhouse ordinance before it, functioned within an arsenal of public health policies in response to the HIV/AIDS epidemic. By weakening diverse queer subcultural experiences, these policies contributed to the material consolidation of gentrification in central cities across the United States in the 1980s.

Other gay men elaborated upon this public health danger associated with cruising by challenging the notion that cruising was “a part of the gay lifestyle which needs to be protected like some ancient ritual.”<sup>30</sup> Still others defended the ordinance out of a belief

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<sup>29</sup> The author of “Message #10” similarly supported the ordinance and discounted accusations that the ordinance was anti-gay. He commented, “I don’t see why the gay world is objecting to the ordinance. Cruising for anonymous [*sic*] sex is not really acceptable in the straight world, and with all that things you can catch now, should not be accepted as a right or need for the gay world...it’s not ‘out’ gays, but people who need to accept themselves and join the gay world as a person who shouldn’t have to hide or be embarrassed about their sexuality.” For this gay man, those who cruised for anonymous sex did so not because they were attuned to their sexual desires but rather because they were unreceptive of them. According to this logic, to be a proud gay man entailed adhering to a life of privacy, not public sex. “GAZE BBS Members Comment on Anti-Cruise Proposal, Campbell-Carlson Incidents,” *Twin Cities GAZE*, Oct. 5, 1989.

<sup>30</sup> Jean Taylor, a gay male resident of Loring Park, wrote to *Equal Time* to discount Campbell’s defense of cruising. He focused on the concerns of property owners and residents of Loring Park. According to Taylor, residents of Loring Park were “subjected to traffic jams in front of their homes at 1:00 a.m.,” were propositioned for sex when they stepped out their front door, and were also confronted with “prostitutes high on crack” who “verbally assault and physically threaten area residents.” Because the ordinance was

that existing laws and practices were inappropriate to solving the problem. Gordon Huser, a gay male resident of Loring Park, told *Equal Time* that since police were too preoccupied with crime in north Minneapolis, an area of the city inhabited primarily by blacks and Hmong refugees, a “noise or loitering with intent to prostitute complaint is a low priority in a weekend in such a large and problematic precinct.” For that reason, Huser justified the anti-cruising ordinance—the expansion of police powers to surveil and to stop suspected outsiders—as a means of protecting white gay male residents of Loring Park. Huser prioritized safety not necessarily from corporeal violence but from violations to gay residential “quality of life.”<sup>31</sup>

Not all gay residents agreed that the anti-cruising ordinance was in the best interest of gay men. In a letter titled, “We need militants,” Robert Halfhill, a queer activist, offered an impassioned defense of FAGS and Campbell’s tactics, reminding gay men of the importance of confrontational politics in times of increasing economic and moral

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supposedly aimed at protecting residents, both gay and straight, by bolstering quality-of-life violations, Taylor recalibrated the ordinance as “pro-gay” in that it “protects the rights of gay men” by “stopping the midnight traffic which has become the bane of an entire neighborhood.” If any attack was being leveled against gay men, Taylor suggested, it was Campbell’s “outrageous” behavior that “played out the true homophobe’s view of ‘homosexuals’” as “a group who only knows anonymous sex in dark and public places.” “Letters,” *Equal Times*, 1989.

<sup>31</sup> In his letter to *Equal Time*, Huser stressed that “the nightly invasion of nonresidents to *our* neighborhood” not only contributed to “all night traffic jams,” but also created problems associated with prostitution (emphasis added). In describing the secondary effects of cruising, Huser reported: “Residents are propositioned by prostitutes and johns when walking through their neighborhood, awakened late at night by loud car radios and fights between people in the street, verbally and physically harassed by prostitutes gathered outside buildings, and the entries to our buildings are used for toilets, sex and drugs.” Although Huser identified as gay, he emphasized that as “a member of a larger community” of Loring Park residents, he “deserve[d] respect for, and safety in, my neighborhood.” For Huser, Loring Park was a gay neighborhood not because of the cruising that transpired there but because of the large number of gay men who resided there: “If the Loring neighborhood is a ‘gay neighborhood,’ it is so because a large number of gays and lesbians live and work here, not because it’s a great place to pick up a trick.” Huser minimized gay men’s sexuality as he simultaneously bolstered their domestic arrangements. Huser asserted, “Residents of other neighborhoods, whether renters and home owners, would not accept these problems in their neighborhoods. Members of the Loring neighborhood deserve an end to these problems in theirs.” “Letters: Loring residents need residence,” *Equal Time*, 1989.

conservatism.<sup>32</sup> He contended that the infatuation with gay men's sex lives was a reflection of society's "erotophobia," or the fear of sexuality. Halfhill clarified, "In an erotophobic society, there is a constant pull towards outlawing all but the reproductive forms of sex and by buying into this puritanism, gays are helping to reinforce the roots of homophobia." Halfhill's position here is that anti-sex legislation, like the anti-cruising ordinance, was rooted in the same discourses and practices that propagated homophobic rhetoric. He celebrated FAGS and Campbell's tactics for bringing to the forefront the implications of such legislation on all those who did not adhere to normative scripts of gender and sexuality, including those dissident expressions of gay male sexuality.<sup>33</sup>

Halfhill's statements were further substantiated by Richard Osborne, another queer activist, who likewise critiqued the ethos of middle-class respectability that saturated the defense of the anti-cruising ordinance. In a letter titled, "A word to the 'holier-than-thou'," Osborne critiqued those who sought to eradicate "Loring Park's decades-long function as a place where gay people can socialize and find consenting sex partners without fear of harassment by homophobes, whether they carry sticks or badges." Here, Osborne reiterated the limitations of police cooperation given that police officers were a large purveyor of violence against gay men. Osborne added that those gay men who supported the ordinance did so out of "the self-righteous claim that the 'majority' of gay people are 'decent' and 'moral' and 'no different from [nongay] people.'" These gay men were "chagrined," Osborne argued, that "other (presumably nongay) people" would

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<sup>32</sup> Halfhill compared the tactics employed by FAGS and Campbell as being reflective of those used by suffragist, labor, antiwar, and civil rights groups. He also reminded gay men that a marginalized group had never achieved its goals without "massive demonstrations, militant civil disobedience and even more extreme actions." "Letters: We Need Militants," *Equal Times*, 1989.

<sup>33</sup> Ibid.

“perceive gays as being, in the words of one writer, ‘sexually out of control...[and] without values and morals about sexuality.” Osborne reminded these gay men that sodomy, whether in public at Loring Park or in a long-term, monogamous relationship in a private bedroom, remained illegal in Minnesota:

Well, I have news for these holier-than-thou people: you are just as much a criminal as your brother who picks up a hustler or has sex under the bridge at Loring Pond. You might think that because you limit your sex life to ‘doing it’ in your bedroom with your monogamous lover you are going to be seen as OK in the eyes of nongay society; you are wrong. Even if the ass that you fuck or the pussy that you lick is that of a faithful, lifelong lover and even if you confine it to the privacy of your home, you are guilty of the crime of Sodomy, and that’s a gross misdemeanor, while Prostitution and so-called Indecent Conduct are only misdemeanors. You are worse crooks than those whom you so smugly cast stones!

Osborne contended that gay men who supported the ordinance must have assumed that if they simply mimicked the movements of heteronormativity, they would garner respect from the general public and the government. However, Osborne disputed this facile thinking by emphasizing that those gay men who condemned the practices of others as morally corrupt partook in the same act of sodomy, a practice that remained illegal despite its public or private manifestation.<sup>34</sup>

As a result of FAGS and Campbell’s grassroots activism, Carlson’s anti-cruising ordinance as well as her bid for City Council were defeated. Although the anti-cruising ordinance did not make it pass the City Council’s Public Health and Safety Committee,

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<sup>34</sup> “Letters: A word to the ‘holier-than-thou’,” *Equal Time*, 1989.



the neighborhood's citizens group, Citizens for a Loring Park Community (CLPC), implemented a community-based policing program designed to reduce noise and improve "safety." The main tenets of the original ordinance—criminalization and surveillance—were carried over into the community-based policing program. As part of the plan, two police officers were assigned with patrolling the Loring Park neighborhood, on foot and via squad car, on late-night weekend hours.<sup>35</sup> CLPC's reliance upon a discourse of safety nurtured a neoliberal urban context in Loring Park in which certain spaces could be reclaimed and marketed for young, urban professional constituencies. This spatial transformation of Loring Park enabled the incursion of private capital in the area and, in the process, displaced those who could not or would not abide by the logic of neoliberalism.

At the same time, since gay men's claims on the state for social membership were increasingly tied to space, LGBT politics would come to be inseparable from property politics. For this reason, public sexual cultures would also come to take on added subversive meaning. The actions coordinated by FAGS, as well as the written dissent expressed by Halfhill and Osborne, make clear the transgressive potentiality of public sex in an increasingly privatized urban terrain. These queer activists believed that cruising

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<sup>35</sup> Concerns over gay safety were also central to the policing of the Loring Park neighborhood. The vice president of the CLPC and chair of its Committee to Reduce Noise and Improve Safety, Ken Darling, told the *Twin Cities Gaze* that Loring Park was becoming "unlivable" on some late weekend nights: "The noise can make it hard to sleep and all the street and pedestrian traffic can be intimidating to some residents, Gay and straight." Darling, who is gay, stressed that it was important that the police involved be "sensitive" to the concerns and lifestyles of gay people. He explained, "Our goal all along was to involve community members, particularly Gay men, in any increased police activity, to ensure that the police were responding to our needs, not that we were reacting to their actions." Although Darling insisted that CLPC did not wish to inhibit the movement of motorists or to discourage people from visiting Loring Park, he insisted that visitors had "to realize that [Loring Park] is a densely populated, residential area, and they have to keep the noise down." Darling was optimistic that the police presence would also make the neighborhood safer from "bashing" of men suspected of being gay, a major concern of gay male residents. The program began in June of 1990, just in time for that month's Pride celebration. "Loring Park Protection Program Successfully Unites Citizens, Police In Cooperative Effort," *Twin Cities Gaze*, Jun. 27, 1991.

was instrumental to queering public spaces and thus, necessary, in disrupting the spatial accumulation of private capital as ordained by gentrification and naturalized by homonormativity.

Queer transgressions of public space via public sex serve an important means of articulating a political opposition to the compulsions of heteronormativity and, more recently, homonormativity—both arbitrary sexual arrangements that gained prominence in the 1980s as the state slashed social welfare services and transferred the onus of responsibility for remedying social ills onto private individuals. By upsetting expectations of what is considered “normal” in public space, the queering of public space challenges dominant ideologies of not only normative sexuality but also of private property—a distinction that has become increasingly unclear in the wake of neoliberalism. In light of such developments, visible performances of queer identities and queer practices of land-use help destabilize the liberal-private distinction of space, puncturing through the ideological armor of private property.

In the West, deep-rooted taboos about sex that takes place in the wrong time and place abound. These taboos are enforced through lewdness statutes, obscenity laws, and zoning ordinances that determine public sex to be an offense against public decency. Norbert Elias argues that in order to make sense of the contemporary ways people are socially expected to behave in public, we need to first interrogate the “civilizing process.” Notions of appropriate public behavior originated during the nadir of European imperialism as people internalized the importance of distinguishing themselves from newly “discovered” primitive societies. Ignoring these notions of bodily comportment in public was equivalent to being perceived as nothing more than an animal. To avoid such

character designations, people consciously modified their behavior in public by embracing “civilized” ways of being. This civilizing process consisted of appointing the private sphere of the home as the designated place of sex.<sup>36</sup> With the rise of industrial capitalism, the growing awareness of private property also shaped people’s impressions of sex as something intimate, personal, and private.<sup>37</sup>

The distinction between the personal and the public is wholly artificial. Yet, we treat this distinction as natural, in part because private property prescribes it as such. Private property, in turn, constitutes and delimits the fluidity between gender and sexual categories. In *Tearoom Trade*, sociologist Laud Humphreys examined impersonal same-sex encounters in “tearooms” or men’s restrooms at public parks and roadside truck stops. Although controversial in nature and unethical in its methodology, Humphreys’ study is important because it reveals the political potentialities of public sex to highlight the inherent malleability of the liberal public-private distinction of space.<sup>38</sup> Humphreys showed that public bathrooms were appealing to men in search of sex with other men because these venues offered a degree of impersonality. Due to their gender segregated nature, like bathhouses, public restrooms provided spaces off-limits to women where men

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<sup>36</sup> Norbert Elias, *The Civilizing Process: Sociogenetic and Psychogenetic Investigations*, trans. Edmund Jephcott (Malden, MA: Blackwell, 1994).

<sup>37</sup> Phil Hubbard, *Cities and Sexualities* (New York: Routledge, 2013).

<sup>38</sup> Upon its publication, Humphreys’ study proved controversial for a number of reasons. For one, Humphreys practiced a lack of disclosure. He used covert observation methods that many critics deemed unethical. He also revealed a surprisingly high degree of sexual activity in tearooms with the majority of participants not necessarily identifying as homosexuals. Humphreys confirmed that 54 percent of his subjects were outwardly heterosexual men with unsuspecting wives and children at home. In an effort to conceal their deviation from social norms, these outwardly heterosexual men put on a “breastplate of righteousness” that consisted of social and political conservatism. Despite the unethical implications of Humphreys’ methodology, *Tearoom Trade* was unprecedented in exposing the discourses and practices of this particular subculture of cruising. Humphreys concluded that such encounters were harmless and posed no danger of harassment to straight men given the various social cues designed by participants to sift out those who might be offended by such encounters. Laud Humphreys, *Tearoom Trade: Impersonal Sex in Public Places* (London: Duckworth Overlook, 1970).

had a valued excuse to expose themselves. In short, tearooms, since they offered the advantages of both public and private settings, were liminal spaces with certain transgressive and erotic properties.<sup>39</sup> Tearooms enabled men to participate in the political act of public sex. Humphrey's study reminds us of the transgressive potentiality of public sex to operate as a modality of action in which the body communicates sensually and emotively with others to effect transformative political attitudes in the use of space. Political to the extent that it can disrupt the compulsory demands of private sexual conformity, public sex simultaneously refutes the capitalist demands and exclusionary tenets of private property.

We can apply Humphrey's study to cruising in Loring Park as a reflection of the ways in which queer activists rejected the principles of a burgeoning homonormativity, one that equated morality and respectability with private property. On the other hand, despite the emancipatory potential of public sex, other white gay leaders in Minneapolis encouraged gay men to practice a form of gender, sexual, and spatial self-surveillance in hopes that it might portray them and the larger gay community respectable, and, by extension, worthy of rights in the eyes of the state. This strategy reflects how white gay leaders repudiated public sex through the simultaneous dispersal of rights—the promise of marriage being one of those rights.

### **Domestic-Partners Registry.**

As one of the most outspoken gay leaders in Minneapolis, Brian Coyle remained largely quiet in regards to Carlson's anti-cruising ordinance. Although he opposed it, Coyle disagreed with Campbell that cruising in Loring Park was a "gay institution" that

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<sup>39</sup> Ibid.

had to be preserved. In an interview with the local Minneapolis publication, *City Pages*, Coyle declared that the days of anonymous cruising for sex in any public park were over: “To romanticize [cruising] as [Campbell] did, as some kind of legacy of the gay culture—I don’t buy that.”<sup>40</sup> What Coyle had been doing instead was seeking support for his proposed domestic-partners ordinance. A domestic-partners ordinance had been as much a personal ordeal for Coyle as it had been a public policy aspiration. He had been pushing for such an ordinance since he joined the City Council in 1983.<sup>41</sup>

In January of 1991, at the urging of Coyle, the City of Minneapolis adopted a plan that allowed its single employees to use sick leave or bereavement leave if their live-in partners became ill or died. The ordinance also allowed couples, whether they were employed by the city or not, to register their relationships with the city clerk for a \$6 filling fee, a symbolic gesture without practical implications. Coyle explained to the *Star Tribune* that the ordinance was “a form of acknowledgement of [gay and lesbian] relationship[s] and says the city of Minneapolis believes these forms of family have value” (emphasis added).<sup>42</sup> Coyle considered the institution of marriage serving as an arbiter of normativity and social value for gay men. His ordinance, however, fell short of the original proposal, which would have also extended health and dental insurance to the

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<sup>40</sup> Robert W. Peterson, “A Bruising Over Cruising in Minneapolis,” *City Pages*, Dec. 5, 1989.

<sup>41</sup> In 1989, Carlson attempted to push through a domestic-partners ordinance as part of her re-election bid as she simultaneously attempted to push for a ban on cruising in Loring Park. Carlson’s bid was challenged by Coyle who accused Carlson of jumping the gun on him for political gain in a tight race against an incumbent. According to the *GLC Voice*, Carlson had opposed domestic partner legislation over the previous four years. The previous talk of a domestic partners bill was in 1985 when the primary advocate of such legislation was interestingly enough Richard Osborne, the DFL-appointed gay attorney on the Minneapolis Commission on Civil Rights. Osborne passed a draft of domestic partners legislation to his successor, Tim Cole. However, Cole revealed that the subcommittee within the commission never agreed on a working draft for such legislation in Minneapolis. Tim Campbell, “Barbara Carlson courts gays and bigots,” *GLC Voice*, Sep. 5, 1989.

<sup>42</sup> Neal Gendler, “Compromise on domestic partners,” *Star Tribune* Jan. 8, 1991: 3B.

“domestic partners” of gay men, lesbians, and unmarried heterosexuals who worked for the city.<sup>43</sup> When it became apparent that that the council could not muster the necessary votes needed to pass the original measure, Coyle mustered a compromise that allowed the ordinance to be passed.<sup>44</sup> By approving the ordinance, the City Council expanded the traditional definition of “immediate family” to include unmarried couples, heterosexual or homosexual, who shared a household.<sup>45</sup>

The timing of the ordinance was not without relevance. Several months after its passage, on April 23, 1991, in a letter to his colleagues on the City Council and the general public, Coyle announced he was diagnosed with AIDS in 1986, shortly after he was overwhelmingly elected to a second term on the council (Figure 5.2). Coyle disclosed, “For most people, acquired immune deficiency syndrome (AIDS) is something far away, but for me it has been a daily reality for nearly a decade and I have decided to come out publicly as an HIV-infected person in order to educate people and to improve my chances of survival.”<sup>46</sup> Coyle stressed that he probably contracted the virus through

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<sup>43</sup> By 1990, a few cities, including Seattle and Berkeley, California, already provided such benefits. Berkeley was the first municipality in the nation to have passed a domestic partners ordinance in 1984.

<sup>44</sup> There was opposition to the original ordinance from those who worried about extending the city’s insurance coverage. There was also opposition hailing from gay men and lesbians who believed that Coyle should have led an effort to expand the ordinance to all employers, not just the city. During the three-hour debate, Coyle told the council that he had tried to deny his sexual orientation between the ages of 8 and 25, and that he had dated several women, in hopes that it would somehow change him. However, he considered the domestic partners ordinance an affirming move by the City of Minneapolis. He explained, “I think the passage of the domestic partners ordinance says to the gay and lesbian community that you deserve the same respect and consideration as everyone else.”

Jon Jeter, “Minneapolis council appears likely to pass domestic-partner ordinance,” *Star Tribune*, Jan. 15, 1991: 8K.

<sup>45</sup> A few gay rights activists who attended the City Council’s Health, Environment, and Human Development Committee hearing held signs that read: “We are Family 2,” and “Love Chooses its own Family.” Jon Jeter, “Minneapolis council appears likely to pass domestic-partner ordinance,” *Star Tribune*, Jan. 15, 1991: 8K.

<sup>46</sup> Coyle added that in writing the letter, “I am taking a risk that people will write me off politically or actually fear working beside me. But being honest is now as important to me as being effective, which I have been during all these years of secretly living with the virus.” Coyle had only told a few friends of his diagnosis, including Sharon Sayles Belton who also joined the council in 1983. Jon Jeter, “A will to live, to

unprotected sex with a former lover. After serving more than eight years on the Minneapolis City Council, Coyle, 47, passed away on August 23, 1991, of heart failure and complications related to AIDS.<sup>47</sup> Coyle's column-long obituary in the *Star Tribune* remembered him for being "the architect of a plan to provide sick and bereavement to the unmarried domestic partners of gay, lesbian, and heterosexual city workers."<sup>48</sup> In 1993, Sharon Sayles Belton, a close friend of Coyle's who had by then become the first woman and African-American mayor of Minneapolis, authored a domestic-partners ordinance that expanded Coyle's ordinance to include his initial mission of providing the domestic partners of city employees with health coverage benefits. After Coyle's death of AIDS, his name was frequently invoked in the emotional debate surrounding the domestic-partners ordinance.<sup>49</sup> By helping to shut down the 315 Health Club in 1988 and helping to establish one of the country's first domestic-partners ordinance registry in 1991, Coyle helped the city "monitor, document, and interrupt public sexual acts, even as [the city] extended new medical, vacation, and retirement benefits to those able to legally prove they lived in committed, domestic, monogamous relationships."<sup>50</sup> Perhaps given

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speak out," *Star Tribune*, Apr. 24, 1991: 1A.

<sup>47</sup> Like Coyle, Shilts also passed away due to AIDS-related complications in 1994.

<sup>48</sup> Lou Gelfand, "Readers ask, 'Isn't an obituary written to honor the deceased?'" *Star Tribune*, Oct. 12, 1997: 33A.

<sup>49</sup> With a vote of 10-3, the ordinance passed the City Council on August 27, 1993. Sayles Belton told the *Star Tribune*, "A large part of our interest and commitment was not only raised by the issue, but the energy and commitment [Coyle] brought to it." However, the ordinance was challenged in a suit by a north side Minneapolis resident who was backed by the Minnesota Family Council, previously known as the Berean League. The resident argued that the city's domestic partners ordinance violated the state's public policy "favoring marriage of heterosexual couples." On June 3, 1994, a Hennepin County district judge agreed with the resident, ruling that the City of Minneapolis had no authority under Minnesota law to extend health benefits to the partners of gay and lesbian public employees. The judge claimed, "Redefining family relationships is not a proper subject for municipal regulation." Kevin Diaz, "Ruling puts struggle for gay-partner rights back to square one," *Star Tribune*, Jun. 13, 1994: 1A.

<sup>50</sup> Ryan Patrick Murphy and Alex T. Urquhart, "Sexuality in the Headlines: Intimate Upheavals as Histories of the Twin Cities," in *Queer Twin Cities: Twin Cities GLBT Oral History Project*, ed. Kevin P. Murphy et al. (Minneapolis, MN: University of Minnesota Press, 2010), 107.

awareness of his own mortality, Coyle was inspired to enact legislation that simultaneously lessened the physical spaces available for gay men to have sex as it also broadened the ideological parameters of domestic space to include gay male sexuality. For doing so, Coyle played a significant role in the gentrification of urban spaces in Minneapolis by mobilizing a legal apparatus that criminalized public sexual cultures in exchange for the political enfranchisement of white gay men.



**Figure 5.2: A constituent comforts Coyle after revealing his AIDS diagnosis. Kurt Chandler, “Coyle puts AIDS back in public eye,” *Star Tribune*, Apr. 25, 1991.**

Coyle’s death due to AIDS-related complications was impactful on a number of levels. Unlike Campbell, Coyle was largely regarded as the chosen spokesperson for the local gay community. This is partly because Coyle’s views were more acceptable to the dominant group. Mainstream media, city politicians, police, and the general public were far more comfortable with Coyle’s platform which called for the inclusion of gay men



and lesbians within the cultural, political, and social fabric of the nation. Given his level of authority, Coyle was able to fashion the foundational structures of the local gay community to consist of domestic consumerism, middle-class respectability, and private property. Whereas Coyle bolstered the universality of marriage, Campbell fought for a gay male sexual subculture distinct from heterosexual culture. Campbell's politics were, thus, situated in closer proximity to those of the gay liberation movement: freedom of sexual expression, critique of heterosexism, state accountability, and social justice. And yet Campbell and others like him including members from FAGS were not equally recognized as "gay leaders" in the same vein as Coyle. By being too radical in their critique of heteronormativity, Campbell and members of FAGS were deemed too threatening to the status quo. What Coyle offered the dominant culture was a palatable leader who condemned the "irresponsible" actions of his own constituents and abstracted the apparatuses of state domination, especially in regards to HIV/AIDS. As such, Coyle's demands for gay social membership remained encased within the sheath of neoliberal capitalism. Although Campbell and Coyle differed on what they perceived as the ultimate goal of gay politics, both men largely overlooked an intersectional, multi-issue, feminist approach to gay liberation. For instance, Campbell, who endorsed an unfettered sexual expression for gay men, remained largely immune to an understanding of how the anti-bathhouse and anti-cruising ordinance would have likely conspired with racism and classism to impact the unique ways queers of color experienced their sexuality within these regimes of surveillance. Partly for this reason, Campbell participated in the overt demonization of Bridges and other sex workers of color accused of harboring HIV.

As Coyle's actions above attest, the legislative proposal to link the curtailment of

public sexual cultures to the distribution of domestic partner benefits is reflective of the inability or unwillingness of some white gay leaders to address the structural factors propelling the HIV/AIDS epidemic: a lack of affordable healthcare, a lack of access to sex-positive education, poverty, and a mounting culture of moral conservatism coupled with a historical distrust of state agents and institutions by racial and sexual minorities. Instead, by legally delimiting the spaces available to public sexual cultures, some gay leaders—with the backing of city officials and public health officials—applied a neoliberal spatial fix as a cosmetic solution to the HIV/AIDS epidemic. By a neoliberal spatial fix, I am referring to the urban process through which state agents and institutions seek to redevelop the built environment to elicit a desired behavioral change out of specific populations, all the while generating profit for private real estate interests through gentrification schemes. With this neoliberal spatial fix, the relationship between AIDS and gentrification was and remains hardly if ever broached by mainstream media, social scientists, politicians, and the general population. This is a significant oversight. The HIV/AIDS epidemic, much like U.S. gentrification in late capitalism, is a social phenomenon—that is, a mechanical process—directly born out of specific policies and practices. And, like gentrification, the HIV/AIDS epidemic employs cultural discourses that hide its conditions of possibility in favor of sublimating these onto narratives of personal responsibility. In short, both gentrification and the HIV/AIDS epidemic have proliferated unabated in the United States by avoiding any semblance of institutional accountability.

The regulation of public cultures of sex, and the public urban spaces that anchored those cultures, such as Loring Park, operated as more than mere HIV-prevention. These

policies and practices were part of a concerted attempt to usher in urban renewal in downtown Minneapolis. Central to this physical effort of capital turnover was pushing white gay male sexuality into the private sphere to untangle it from the stigma associated with racialized sexuality. A discourse and practice of Minnesota Nice ideologically subsidized a regional iteration of gentrification, one that underlined the domestication of gay male and lesbian sexuality as it criminalized racialized sexuality.

### **Urban Renewal.**

The anti-bathhouse ordinance, along with the proposed anti-cruising ordinance, achieved more than mere HIV-prevention. These policies were part and parcel of a plan by city officials to orchestrate the urban renewal of the downtown district, an area deemed blighted by sex businesses. Once these sex businesses were removed, city officials could actively encourage private developers to re-invest in the declined urban area. The campaign to remove sex businesses from city centers coincides with a revanchist city politics. According to geographer Neil Smith, a revanchist city politics is concerned with the removal of potential threats to property- and consumer-fueled gentrification. Under neoliberalism, commercial sex establishments are for the most part imagined as being incompatible with the cultivation of a leisure and profitable entertainment and residential district. Inasmuch as commercial sex establishments are perceived as sure signs of economic disinvestment, city officials employ exclusionary metaphors that convey reclaiming inner-cities from the alleged morally corrupt influences of pornography and casual sex with anonymous partners.<sup>51</sup>

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<sup>51</sup> Neil Smith, *The New Urban Frontier: Gentrification and the Revanchist City* (New York: Routledge, 1996).

Besides perceiving commercial sex establishments as obstacles to capital accumulation, civic leaders have also regarded them as threats to the urban order. According to geographer Phil Hubbard, commercial sex establishments transgress many of the divides that structure dominant modes of social intelligibility in the West: moral/immoral; high/low; public/private. By shattering the divide between domestic space and the public sphere, along with the behaviors deemed acceptable within those spaces, commercial sex establishments endanger the white, heterosexual, patriarchal family-unit as the organizational foundation of the sexual system in the West. Men could explore their sexuality with other men; women could enact a sexual agency historically denied to them in the private home. In light of the ability of commercial sex establishments to undermine white heteropatriarchy and the public/private divide of space, authorities have sought to contain the transgressive potential of such establishments by confining them to areas outside “ordered, monogamous heterosexuality.”<sup>52</sup> In Minneapolis, city officials depicted the purchase and exchange of sexual services and materials as a threat to the urban moral order.

In the fall of 1988, approximately six months after the closing of the 315 Health Club, members of the City Council held a press conference to announce the renovation of Hennepin Avenue’s infamous Block E, home to a number of shoddy storefronts that anchored the city’s red-light district in the 1980s. The press conference included a mock demolition with council members literally smashing the windows of X-rated businesses as fireworks and exploding balloons dotted the sky. In the shadows of newly erected metallic skyscrapers, Minneapolis’s Block E, lined with dirty low-rise buildings and

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<sup>52</sup> Hubbard, *Cities and Sexualities*.

considered by some as one of the “rowdiest” places in the city, had comprised the epicenter of the city’s red-light district for more than a decade. Due to its sexually transgressive nature, Block E had also served an important function for gay men. Grounded by the Gay 90s complex to the north and the Saloon to the south, these two gay bars served as anchors of other erotic spaces and practices understood as crucial to nurturing gay male sexuality outside the home. As the thoroughfare of downtown Minneapolis, Hennepin Avenue, once the city’s booming theatre district, had become synonymous with the gay public sphere. In nurturing a homosexual consciousness, Hennepin Avenue’s Block E was influential in forging a collective sense of community outside the privatized bounds of compulsory heterosexuality.<sup>53</sup>

One of the most prominent tenants of Block E was the Adonis Theater, an X-rated theater that screened both straight and gay pornographic films to audiences, drawing theatergoers who cruised for sexual partners. Opening in the fall of 1975, the Adonis instantly became a sensation among gay men and a target of the Minneapolis Vice Squad; within eight months of operation, it was raided five times. Other tenants of the block included Shinders, an erotic bookstore, that occupied two corners. Block E was also home to flop hotels, a bar named Moby Dick’s, and an avant-garde art gallery. Perhaps the most reputable business on the block was the restaurant called Gary’s, which was one of Minnesota’s first gay-owned eateries. The rich diversity of the tenants is what made the block exciting, lively, and spirited for many a patron.<sup>54</sup> But, long before commercial sex establishments became the targets of health officials in the wake of the HIV/AIDS

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<sup>53</sup> Van Cleave, *Land of 10,000 Loves*.

<sup>54</sup> Block E had supposedly become responsible for 25 percent of all crime in downtown Minneapolis. Ibid.

epidemic, anti-pornography feminists targeted these public sex venues for closure. These anti-pornographic debates, in turn, help explain the divergent political campaigns of gay men and lesbians at this time.

By the 1980s, despite becoming more accessible due to the development of new technologies, pornography and commercial sex also became highly contested. Anti-pornography feminists were a vocal stakeholder in discussions over commercial sex. In 1983, the feminist writer Andrea Dworkin and the feminist legal scholar Catherine MacKinnon joined forces in drafting an anti-pornography ordinance in Minneapolis. The anti-pornography feminist movement demanded that sexual content be regulated and/or suppressed because it represented the gendered exploitation of women. This position reflected the movement's interpretation of sexuality as dangerous because its practices, in a male-dominated society, produced, reproduced, and sustained male supremacy and violence against women. The Dworkin-MacKinnon ordinance famously claimed that since pornography violated women's civil rights, women had the right to sue the producers and distributors of pornography in civil court.<sup>55</sup> The Minneapolis City Council passed the ordinance—twice. However, Mayor Donald Fraser vetoed the ordinance both times explaining that “the remedy sought through the ordinance is neither appropriate nor enforceable within our cherished and constitutionally protected right of free speech.”<sup>56</sup> Fraser denounced the ordinance for being so broad and vague as to render legally actionable any non-violent material that was not pornographic in the traditional sense.

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<sup>55</sup> The ordinance deemed legally actionable any sexually explicit material that depicted women as commodities, as enjoying pain, humiliation, and/or rape, as reducible to body parts, as portrayed in “postures of sexual submission,” as whores by nature, or as having sex with animals. “Minneapolis council passes strict anti-pornography bill,” *The San Diego Union*, Dec. 31, 1983.

<sup>56</sup> “Minneapolis porn law is vetoed,” *Philadelphia Inquirer*, Jan. 6, 1984.

The lesbian feminist approach pornography differed from other approaches to pornography that called for its suppression on the grounds that it allegedly defied community standards of decency and risked pulling women into immorality. Despite these ideological differences, anti-pornography feminists mobilized alongside religious groups and neo-conservative family advocates.

Queer activists in the Twin Cities were among the fiercest opponents of the anti-pornography ordinance.<sup>57</sup> They were weary of expanding the state's regulatory apparatus and they were rightfully concerned that the ordinance would justify the violent harassment and policing of commercial sex establishments which gay men frequented to meet one another.<sup>58</sup> Gay men who defended the social benefits of commercial sex

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<sup>57</sup> At the public hearings on the proposed ordinance, gay men expressed their opposition to the ordinance on the grounds that it was anti-gay. They accused lesbian feminists of endorsing vice squad arrests and raids of commercial sex establishments. Campbell was one of the most vocal opponents, both in print and at the hearings. He was bothered by the ordinance's broad definition of pornography, which he labeled "blatantly sexist, un-American, [and] fascist." He even accused proponents of the ordinance of "gay bashing." In print, Campbell editorialized on the benefits of sexually explicit material. He characterized pornography as "good," claiming that "the objectification of the sexual model is a healthy part of sexual experience." In addition to emphasizing the positive attributes of pornography, Campbell called into question assumptions that pornography rigidly represented the complete sexual subordination of women. He maintained that "most people [were] quite capable of being sexually submissive in one situation, sexually aggressive in another, and capable of exercising the same flexibility in other walks of life." That flexibility to interpret the varied meanings and uses of pornography, Campbell argued, was the primary difference between the experiences of gay men and lesbians. Paul Brest and Ann Vandenberg, "Politics, Feminism and the Constitution: The Anti-Pornography Movement in Minneapolis," *Stanford Law Review* 39, no. 3 (1987): 607-61.; For more information on the anti-pornography movement in the Twin Cities, see: Pamela Butler, "Sex and the Cities: Re-Evaluating 1980s Feminist Politics in Minneapolis and St. Paul," in *Queer Twin Cities: Twin Cities GLBT Oral History Project*, ed. Kevin P. Murphy et al. (Minneapolis, MN: University of Minnesota Press, 2010).; Georgina Hickey, "The Geography of Pornography: Neighborhood Feminism and the Battle Against 'Dirty Bookstores' in Minneapolis." *Frontiers: A Journal of Women's Studies* 32, no. 1 (2001): 125-151.

<sup>58</sup> A gay male witness at the public hearings prophesized that the ordinance would give local law enforcement the go-ahead to arrest and arrest those gay men engaging in consensual sex at commercial sex establishments. He spoke that the current "movement against pornographic bookstores has had a terrible effect on the gay community," leading to police brutality. Another witness similarly underscored the consequences of the ordinance on gay men. This witness discussed the importance of erotic bookstores and X-rated theaters as meeting places for gay men "to be sexual together." The witness explained that gay men "have had to develop signals in order to recognize each other and cultivate places where we can feel relatively safe. Adult bookstores have come to be part of that picture. So I do not take lightly that such places will be lost to the gay community when this ordinance comes to be successful." The witness's

establishments grew suspicious of lesbian feminist collusion with the state in the regulation of gay male sexuality and public sexual cultures. As the arrests of gay men and the raids against these establishments increased, tensions between gay men and lesbian feminists escalated. Given the vast ideological disagreements over the harms of pornography, lesbian feminists and gay men in the Twin Cities grew further apart in their shared sense of community, leading to the division of the annual Pride festivities in 1982 in what infamously became known as the “Big Split.”<sup>59</sup> For their part, lesbian feminists accused gay men of unexamined misogyny, especially in regards to the treatment of Anita Bryant, a critique that carried on to gay men’s treatment of Barbara Carlson.

In spite of being spared from the anti-pornography ordinance, commercial sex establishments, especially those along Hennepin Avenue, were subjected to a spike in police crackdowns. In an op-ed published in *Gay Community News*, queer activist Robert Halfhill wrote that between 1980 and 1984, Minneapolis police arrested nearly 3,500 gay men in commercial sex establishments.<sup>60</sup> That a disproportionate number of gay men were targeted for arrest was also noted by an April 27, 1983, article by *City Pages* titled, “The High Price of Vice.” In that exposé, the author revealed that the Minneapolis vice squad had made nearly 7,000 arrests in the first three years of Police Chief Bouza’s

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comments are telling on several fronts. First, the witness made a case for these meeting places in a city that lacked a clearly definable “gayborhood.” Second, the witness gestured to the ways in which safety here, for women at least, could hinge upon further state-sanctioned violence against gay men who refused to conform to socially acceptable forms of sexual expression. According to the witness, the ordinance punished gay men, along with sex workers and their clients, for not only being unable or unwilling to participate in heteronormativity, but also by failing to engage in heterosexuality in its proper place: the private bedroom. Ibid.

<sup>59</sup> Van Cleave, *Land of 10,000 Loves*.

<sup>60</sup> According to Halfhill, when local gay male activists met with Minneapolis Police Chief Bouza in 1980 to protest these arrests, Bouza confessed that he was being encouraged to crack down on vice from “the other side.” Halfhill and other gay male activists took this reference to mean lesbians.



administration and that about a third of those arrested were gay men.<sup>61</sup> Halfhill and others tied the increase in raids to efforts by a city commission to locate a new site for the Minneapolis Convention Center. Initially, the commission proposed an L-shaped mega block to host the new center, situating Block E between the mega block and a recently developed shopping arcade.<sup>62</sup> Eventually, the city voted against the proposal and, instead, opted to expand the convention center's existing site south of downtown Minneapolis. Although this move preserved the gay downtown district, it eradicated low-income housing south of downtown Minneapolis.

Even with the city not enacting the anti-pornography ordinance, it still went after commercial sex establishments through a zoning ordinance.<sup>63</sup> In February of 1986, as the U.S. Supreme Court ruled unconstitutional a similar anti-pornography ordinance in

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<sup>61</sup> *City Pages* estimated that average of 2.1 arrests of gay men per day. Halfhill noted that if the arrests began on October 15, 1979, three months before Bouza took office, as claimed in the December 14, 1979, issue of the *MCGLR Lesbian/Gay Newsbriefs*, then multiplying the number of days from that date to the time Halfhill penned his op-ed by 2.1 would have yielded 3,450 arrests of gay men. Robert Halfhill, "Speaking Out; On Anti-Porn Efforts and Gay Male Separatism," *Gay Community News*, May 26, 1984: 5.; Dick Dahl, "The High Price of Vice," *City Pages*, Apr. 27, 1983.

<sup>62</sup> For Campbell, the proposal was reflective of crooked political dealings: "It seems self-evident that the abuse of power of arrest to favor special interests in the commercial marketplace is graft. . . It is one thing to try to 'clean up crime on Hennepin Avenue' so that it is safe but quite another to pretend like we are making an avenue safe by arresting the most harmless creatures there." Tim Campbell, "Appearance of Graft Taints Operations," *GLC Voice*, Dec. 17, 1984: 1.

<sup>63</sup> In the wake of the 1973 decision in *Miller v. California*, obscenity laws became more challenging to apply to sexually explicit materials. According to Brest and Vandenberg, in an effort to protect non-obscene material from overzealous officials, courts constrained censors "with strict procedural requirements that [made] civil and criminal actions to suppress pornography very expensive and time-consuming." Given these legal roadblocks, adult businesses and pornographers slipped through existing obscenity laws. Because city officials could no longer ban adult businesses outright under obscenity laws, cities began implementing zoning laws to sequester the sale of pornography to nonresidential areas. The City of Minneapolis was one such locale that implemented zoning laws as an alternative legal approach to the regulation of the adult entertainment industry. In 1977, neighborhood residents in south Minneapolis pressured the Minneapolis City Council to enact a zoning ordinance, inspired by a Detroit ordinance, that outlawed the operation of erotic bookstores and X-rated theaters within five hundred feet of a church, a school, a residential area, or another "adult-entertainment business." Designed to prevent "the blighting or the downgrading of the surrounding neighborhood," the Minneapolis zoning ordinance, however, was more restrictive than that of Detroit's. Ferris Alexander immediately filed suit in federal court, claiming that the zoning ordinance would have forced most of his businesses—five theaters and six bookstores—to move or shut down. A federal district court blocked the enforcement of the ordinance on the grounds that it violated the First Amendment. Brest and Vandenberg, "Politics, Feminism, and the Constitution."

Indianapolis, it upheld a zoning ordinance out of Renton, Washington that banned the operation of commercial sex establishments in residential neighborhoods.<sup>64</sup> Despite the previous Minneapolis zoning ordinance being struck down in 1977 for being too expansive, the City of Minneapolis revisited zoning as a strategy to constrain the location of commercial sex establishments. In 1986, Minneapolis passed a zoning ordinance, modeled after the one in Renton, Washington. The Minneapolis ordinance confined all adult businesses to the outskirts of downtown, near the warehouse district. The ordinance went into effect on December of 1988. But, its passage was not without opposition, in particular from Minnesota's most notorious porn kingpin, Ferris Alexander, who filed suit against the city of Minneapolis. In March of 1991, a federal appeals court ruled that the constitutional rights of Alexander were *not* violated when Minneapolis passed its zoning ordinance. The court found that the city was not required by the First Amendment to find sites for Alexander's businesses; the city was only prohibited from denying Alexander "a reasonable opportunity to open and operate an adult theater within the city." It confirmed that there were at least 120 "block faces"—or sides of a city block—in which an adult theater owner could potentially be located in the downtown area. The court stipulated, "That Alexander could not secure property meeting his economic or commercial criteria does not render (the ordinance) invalid."<sup>65</sup>

In addition to zoning, the City of Minneapolis collaborated with federal agents to prosecute Alexander on the grounds of obscenity, tax evasion, and money laundering. As

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<sup>64</sup> For the most part, zoning ordinances prohibited adult businesses from operating in close proximity to residential neighborhoods or areas where children could congregate including schools, parks, daycare centers, and places of worship. City officials argued that adult businesses caused negative secondary effects including increased crime and decreased property values. For that reason, city officials justified restricting adult businesses to areas zoned for industrial use including factories, office buildings, and warehouses.

<sup>65</sup> Donna Halvorsen, "Court says zoning law didn't violate Alexander's rights//Rules excluding sex-film theaters from most of city ok." *Star Tribune*, Mar. 19, 1991.

part of a probe into alleged interstate transportation and distribution of obscene material by Alexander, on May 10, 1988, federal agents raided 23 bookstores, video outlets, and theaters throughout the state of Minnesota.<sup>66</sup> The government's search of Alexander's businesses yielded a 41-count indictment in which he was accused of engaging in racketeering by selling pornographic materials, concealing his identity, and hiding profits from the IRS. On May 23, 1990, Alexander was found guilty of 25 counts of racketeering, obscenity, and tax fraud.<sup>67</sup> The Alexander racketeering-obscenity verdict is noteworthy because it was the first time in Minnesota and the second time in the United States that the Racketeer Influenced and Corrupt Organization Act (RICO) had been used to combat pornography. Although Congress initially passed RICO to battle organized crime, RICO empowered federal agents to seize the assets of a person convicted of two or more obscenity offenses.<sup>68</sup>

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<sup>66</sup> The FBI and IRS investigation of Alexander in Minnesota was part of a nationwide crackdown on interstate trafficking of obscene material spurred by a 1987 directive by the Meese Commission, which examined obscenity and child pornography laws. The 27 search warrants authorized federal agents to obtain three copies of all the materials that had been previously bought and considered obscene under federal law. By the end of the day, the FBI and IRS collected about 15 cartons of obscene material, and business records. Agents seized works with such titles as *Leather Sleaze*, *Payment in Pain*, and *High School Memories*. These films contained depictions of bondage, spanking, and homosexuality. The daylong operation involved about 125 federal agents and local police officers. Kevin Diaz, "Alexander is focus of 23 porn raids," *Star Tribune*, May 11, 1988.

<sup>67</sup> On May 25, 1990, a federal judge ruled that Alexander's properties plus his wholesale and distribution company had been used for criminal activities in violation of federal law and were, thus, subject to forfeiture to the government. The judge authorized prosecutors to padlock Alexander's businesses, estimated to be worth several million dollars. With Alexander's possessions legally forfeited to the government, federal agents subsequently destroyed the entirety of the material stored at the warehouse. Over 100,000 books, films, and magazines valued at \$9 million were burned. In addition to having his assets seized, Alexander was fined \$200,000 and was sentenced to a six-year prison term for the racketeering conviction. Matthew Hutchinson, "Supreme Court hears porn case arguments," *Star Tribune*, Jan. 13, 1993.; Margaret Zack, "Alexander's properties are subject to forfeiture," *Star Tribune*, May 26, 1990.

<sup>68</sup> In January of 1993, the case against Alexander reached the U.S. Supreme Court. Alexander's lawyer asked the justices to declare provisions of RICO unconstitutional. His lawyer argued that the government had overstepped its legal authority when it destroyed \$9 million in books, magazines, and videos from Alexander's adult businesses. Alexander's lawyer established that the destruction of Alexander's property for convictions on only seven counts of obscenity violated the eighth amendment protection against cruel and unusual punishment. Despite widespread support from literary and media organizations, the Supreme

With Alexander's prosecution, spaces that accommodated public sexual cultures and that served as meeting places for gay men were eradicated, if not, severely curtailed. By 1988, commercial sex establishments on Block E stood empty as the structures awaited to be demolished. In an effort to lure new private development, the City Council of Minneapolis endorsed the clearance and urban renewal of Block E. However, for thirteen years, Block E faded away as a surface-level parking lot. And, then in 2001, private developers erected on the ruins of Minneapolis's public sexual cultures a large luxury hotel, a movie theater, and a shopping complex. Within a decade of its grand reopening, the chains housed within Block E closed, one after the other.

As the anti-bathhouse ordinance and the redevelopment of Block E in Minneapolis reflect, the targets of urban renewal in the 1980s often included public sexual cultures and the establishments that facilitated their existence. The success of Minneapolis in cleaning up its commercial sex establishments and public sexual cultures is mirrored in similar efforts to clean up areas of such land use in San Francisco and New York City. In "The Miracle Mile: South Market and Gay Male Leather, 1962-1997," Gayle Rubin investigates the effects of urban redevelopment on San Francisco commercial sex establishments. Rubin argues that police action, urban renewal, and public health all conspired to substantially impact San Francisco's gay and sexual geographies. The effects of the HIV/AIDS epidemic were particularly evident in the gay male leather community in the South of Market neighborhood. Between 1966 and 1982,

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Court did not rule in Alexander's favor. In July of 1993, the Supreme Court ruled that the first amendment did not protect Alexander against the government destroying more than 100,000 books, films, and magazines or from seizing his financial assets under an obscenity offense. Justice Anthony Kennedy dissented in the majority's opinion noting that the threat lied not just to "smut" peddlers. He warned, "Any bookstore or press enterprise could be forfeited as punishment for even a single obscenity conviction." "Don't forfeit free speech," *USA Today*, Jul. 2, 1993.

Rubin writes that there was “a period of triumphant expansion” in the gay male leather community in South of Market. However, by the middle-1980s, the neighborhood and community were “devastated” as the HIV/AIDS epidemic brought “a tsunami of mortality to gay men in San Francisco, and the South of Market appeared to bear the brunt of its fury.”<sup>69</sup> Yet, unlike the Castro, the impacts of HIV/AIDS in the leather community in South of Market, as much as they were from AIDS itself, were also the result of a geographic competition for the region that had long preceded the epidemic, and from public policy decisions surrounding disease control. The conversion to a straighter, more respectable, and more expensive South of Market was already underway before AIDS struck.<sup>70</sup> Nonetheless, public policy decisions about disease control and commercial sex establishments spurred by the HIV/AIDS epidemic intensified that process of urban renewal in South of Market. With the destruction of the South of Market neighborhood, the gay male leather community that once flourished in that space was likewise pushed away. Rubin’s analysis informs us how the HIV/AIDS epidemic provided city officials and private developers with an opportunity, if not excuse, to bulldoze the infrastructure of public sexual cultures in cities across the United States.

Just at the Federal Drug Administration approved new life-sustaining medications for people with HIV/AIDS, the mid-1990s witnessed the recycling of these moral and

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<sup>69</sup> Gayle S. Rubin, “The Miracle Mile: South Market and Gay Male Leather, 1962-1997,” in *Reclaiming San Francisco: History, Politics, and Culture*, ed. James Brook, et. al. (San Francisco: City Lights Books, 1998), 259.

<sup>70</sup> Rubin reveals that gay nightlife was drawn to the South of Market neighborhood because of its vacant buildings, both commercial and residential, that made rent relatively cheap there. Street life was often minimal in the neighborhood. When businesses closed, the streets were empty and parking was readily available. The lack of nighttime activity offered a semblance of privacy in which demonized forms of sexual identities and practices could prosper. These factors, Rubin contends, were crucial for gay men in search of public spaces to call their own. With the advent of urban renewal, however, police attention towards this area of San Francisco enabled its “clean up,” readying the space for private real estate development and, by extension, pushing gay men away from the area. Ibid.

public health campaigns against commercial sex establishments in what became known as the “second wave” of anti-public sex crusades. The drive against adult businesses corresponded with corporate interests in real estate development to gentrify vice districts into tourist destinations and high-income residential districts. Commercial sex establishments were at odds with the image neoliberal cities wanted to project. This set of dynamics was clearly articulated in 1995 when Mayor Rudolph Giuliani of New York City initiated a campaign to disperse sex businesses in the Times Square area to the city fringes. He requested that the City Council approve amendments to the city’s Zoning Resolutions to “encourage the development of desirable residential, commercial and manufacturing areas with appropriate groupings of compatible and related uses and thus to promote and to protect public health, safety and general welfare.” The new law defined adult establishments as “objectionable non-conforming uses which are detrimental to the character of the districts in which (they) are located.”<sup>71</sup> The resolution, not unlike that zoning ordinance passed in Minneapolis, forbade “X-rated businesses” from operating within 500 feet of residential districts, schools, houses of worship, or each other. Under that ordinance, only 28 of the then-177 commercial sex establishments were allowed to remain in operation at their current location. The rest had one year to change the nature of their business, or to relocate to sites approved by the city’s planning commission. The commission approved mostly industrial and manufacturing zones outside the borough of Manhattan. Although there was mixed evidence that the presence of adult establishments negatively impacted on property values in the Times Square district or that it promoted significant criminal activity, the area was reinvented as the family-friendly entertainment

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<sup>71</sup> “Zoning Resolution,” The City of New York. Oct. 10, 1995. Accessed Feb. 15, 2016. <https://www1.nyc.gov/assets/planning/download/pdf/zoning/zoning-text/art05c01.pdf>

zone of the 42<sup>nd</sup> Street Business Improvement District. The Walt Disney Corporation was a key investor in the area's reinvention.<sup>72</sup>

The zoning ordinance in New York City illustrates how private real estate interests help dictate the contours around normative and deviant displays of sexuality. According to historian David Serlin, the large gentrification projects aimed at vice districts in New York City were not so much about "quality-of-life," improving neighborhoods, or protecting children from commercial sexuality, as they were about maximizing "quantity of income from real estate investment." Although Giuliani justified cuts to educational, municipal, and social services throughout the city as fiscal austerity, he devoted a significant amount of the city's budget to transforming empty office buildings in downtown Manhattan into luxury high-rise condominiums, family-friendly entertainment zones, and high-end shopping districts. Given shared economic and political imperatives, city government worked alongside finance and real estate industries to enact a campaign against commercial sex establishments. Serlin explains, "From the standpoint of multibillion-dollar real estate development, especially in Times Square, the closing of clubs, theaters, and shops is an economic wet dream of unparalleled erotic appeal."<sup>73</sup> Serlin's analysis clarifies how the rezoning of commercial sex worked in the service of private corporate developers' interests.<sup>74</sup>

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<sup>72</sup> David Serlin, "The Twilight (Zone) of Commercial Sex," in *Policing Public Sex: Queer Politics and the Future of AIDS Activism*, ed. Dangerous Bedfellows (Boston: South End Press, 1996), 48.

<sup>73</sup> *Ibid.*, 48.

<sup>74</sup> One of the major stakeholders of the gentrification of New York City's Times Square was the Walt Disney Corporation with its foray into musical theater on Broadway. Another prominent player was the Times Square Business Improvement District (BID). Both entities supported the zoning ordinance. In light of cuts to social services, BIDs have come to usurp the role of state urban governance. Nonetheless, as private entities, corporate interests shape BIDs. By functioning in the service of real estate interests, BIDs recalibrate the nature of commercial and residential relationships in both large cities and small municipalities. BIDs favor draconian policies that call for quality of life yet oftentimes serve as disguised

Although the zoning ordinance in New York City drew protests from a number of political organizations, legal funds, and grassroots activists, Giuliani's efforts were strengthened by a group of gay and lesbian journalists who argued that commercial sex establishments were responsible for rising HIV infections.<sup>75</sup> This collective of anti-bathhouse gay and lesbian activists in New York City formed the Gay and Lesbian HIV Prevention Activists (GALHPA) to warn what it determined was a "second wave" of HIV infections brought about by public sexual cultures and commercial sex establishments.<sup>76</sup> Owing to the fact that GALHPA attributed an increase in HIV infections to new public sex venues, it proposed eliminating public sex altogether as the only way to curb such transmission. GALHPA, thus, propagated the belief that regulation in and of itself served a legitimate prevention strategy.

Central to its mission of regulating commercial sex establishments, GALHPA forged a connection between public sex and HIV-transmission by circulating rhetoric that associated public sex with anonymity and promiscuity. GALHPA's actions concurred

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attacks against the poor, the homeless, and the racialized deviant. According to Serlin, BIDs accrue legitimacy by convincing residents and tenants "to believe that corporate muscle, backed by investment capital, will not only protect property values, but also rid their spaces of unsavory social elements." Simply put, BIDs help determine the parameters of both public and private space. They also identify the populations lucky enough to access such privacy. Ibid., 49.

<sup>75</sup> In explaining the support of some gay leaders to the zoning ordinance, Serlin writes that "upwardly mobile gay people" tend to be more invested in "the service industries and corporate sectors" than they are not committed to "the political and economic struggles of their less affluent gay brothers and sisters." Serlin argues that for these affluent gay people, their interests are symbolized and mediated by property—the property that imparts authority only to those who can afford it, maintain it, and ultimately protect is from anyone who deviates from the sanitized, monogamous bourgeois homosexual norm sanctioned by local or federal governments." Ibid., 51

<sup>76</sup> In particular, GALHPA formed in response to the opening of the West Side Club, the first new gay bathhouse to open in New York City since the large-scale closing of bathhouses in the mid-1980s. Members of GALHPA included Gabriel Rotello, Duncan Osborne, Jonathan Capeheart, Amy Pagnozzi, and Michelangelo Signorile. As independent journalists, tabloid columnists, and best-selling authors, members of GALHPA enjoyed high profiles that rendered them influential in the public sphere. As such, mainstream media ascribed authority and legitimacy to GALHPA as the single voice of AIDS activism. Alison Reddick, "Dangerous Practices: Ideological Uses of the 'Second Wave'," in *Policing Public Sex: Queer Politics and the Future of AIDS Activism*, ed. Dangerous Bedfellows (Boston: South End Press, 1996), 91-104.



with those of journalist Randy Shilts's flawed account of the HIV/AIDS epidemic and bolstered the notion among moral conservatives that HIV/AIDS was the result of gay men's supposed careless and hedonistic sexual impulses. The notion that public sex amounts to unsafe sex, argues Alison Reddick, is without merit.<sup>77</sup> According to Reddick, the pressure to engage in unprotected anal intercourse is perhaps greater in long-term, monogamous relationships than at commercial sex establishments since sex without condoms is symbolic of mutual trust and commitment, a sentiment that was expressed by a number of queer activists during the anti-bathhouse and anti-cruising public hearings. Reddick elaborates that the conflation of public with unsafe hinges upon a "sex-negative and fundamentally homophobic position that equates the spread of HIV with a sexual lifestyle instead of specific sexual practices."<sup>78</sup> I would add that equating public sex with unsafe also displaces attention away from the role of the government and the medical establishment in allowing the epidemic to proliferate. Embracing a policy of regulation as a prevention strategy not only normalizes the fictitious connection between public and unsafe, but it also displaces attention away from implementing safer sex education towards an approach primarily concerned with eliminating non-monogamy. This approach—regulation as prevention—is not an effective public health measure because it largely obfuscates the specific sexual practices that *do*, in fact, contribute to HIV-transmission. It also fails to take into account how closing commercial sex establishments would negatively impact those without access to sexual privacy, namely queers of color.

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<sup>77</sup> GALHPA also argued that HIV transmission leveled off in the mid-1980s among gay men as a result of bathhouse closures. However, Reddick discounts this claim, suggesting that the combine result of ELISA, the first reliable test for HIV antibodies, and safer sex education program had a greater impact on reducing rates of infection. Ibid.

<sup>78</sup> Ibid., 93.

By focusing on ridding gay men of non-monogamy, anti-bathhouse activists were heavily invested in publicizing an image of normative gay male sexuality. To do so, activists relied on moral panic discourses that were racialized to differentiate white gay men from poor, people of color, what I call racialized norms of sexual hygiene. Celebrating racialized norms of sexual hygiene as the criteria upon which to measure someone's moral fitness for social membership enabled white gay leaders to vouch for the morality and respectability (read: normativity) of white gay men. Although public sex is not necessarily any less safe than monogamous or private sex, GALPHA—much like Coyle in the 1980s—succeeded in normalizing private, monogamous sex as the new standard of white gay male sexuality. As a result, GALPHA helped spread discourses and practices that privatized white gay male sexuality and, by extension, gentrified New York City.

With the gentrification of central cities and the demise of public sexual cultures, the communities that abounded in commercial sex establishments were likewise eradicated. The loss of such cultures witnessed the eradication of channels for social critique against the shifts in the political economy of central cities in the United States. Likewise, it minimized the venues through which one could destabilize the fictitious divide between heterosexuality and same-sex desire. Such is the subject of Samuel R. Delany's *Times Square Red, Times Square Blue*, in which he looks at aspects of New York City affected by the Times Square Development Project of the mid-1990s that I discussed above. That project consisted of the demolition of several businesses, including more than half-a-dozen X-rated movie theaters, and the construction of massive office towers, entertainment centers, and shopping arcades. The consequences of this “violent reconfiguration” of the city's landscape, Delany proposes, entailed “a legal and moral

remapping of [the city's] own discursive structures, changing laws about sex, health and zoning." In particular, Delany laments the loss of complex and interlocking systems of interracial and interclass communication. He describes patrons of such establishments as "incredibly heterogeneous— white, black, Hispanic, Asian, Indian, Native American, and a variety of Pacific Islanders." In his visits to these establishments, Delany came across "playwrights, carpenters, opera singers, telephone repair men, stockbrokers, guys on welfare, guys with trust funds, guys on crutches, on walkers, in wheelchairs, teachers, warehouse workers, male nurses, fancy chefs, guys who worked at Dunkin Donuts, guys who gave out flyers on street corners, guys who drove garbage trucks, and guys who washed windows on the Empire State Building." All these patrons, Delany argues, comprised a community that was racially and socio-economically diverse, beneficial to the public in the wake of moral campaigns and private real estate efforts to regulate commercial sex establishments.<sup>79</sup> Moreover, since a number of patrons that frequented these establishments were heterosexually identified men, the X-rated theaters enabled sexual experimentation among patrons in ways that challenged the heterosexual/homosexual binary.<sup>80</sup> Whether or not the X-rated theaters created or merely

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<sup>79</sup> In describing patrons of X-rated theaters as comprising a community, Delany recounts a return visit to the Variety, one particular X-rated theater on Forty-Second Street, after being abroad for a number of years, Delany writes: "I noticed a dozen or so patrons were men I'd seen there regularly three, five, ten years before. The place seemed almost a kind of family, with a neighborhood feel." Contrary to the vernacular of moral campaigns to regulate commercial sex establishments, Delany never thought of these establishments that "showed straight porn and encouraged gay sex in the audience" as dangerous precisely because of the community that repeat attendees had forged: "Come back six times in five weeks, and you recognized a third of the faces you saw, and they recognized you. After another six visits, you had a few passing acquaintances." Samuel R. Delany, *Times Square Red, Times Square Blue* (New York: New York University Press, 1999), 20, 33.

<sup>80</sup> Delany recounts how a number of straight patrons allowed gay men to perform sexual acts on them yet these men did not necessarily identify as "gay." In fact, a number of them were married or had girlfriends. One particular example is Gary, a lanky, likeable handyman with a brown ponytail who worked at a Catholic church. Delany writes that although Gary had "a regular girlfriend," her "overall sexual appetites simply weren't as high as his. That's why he came to the movies." Delany also recounts his experiences

exposed already-existing same-sex desires within patrons is up for debate. What is clear is that these establishments *did* provide men with countless opportunities in which they could explore their sexual desires with other men in an environment where identity did not cohere around behavioral practices and where “healthy” sex did not find itself confined to the private bedroom.

Although these connections were formed at porn houses, for Delany these were still significant relationships that lasted years. The most important aspect of these relationships, Delany writes, is that mutual pleasure was exchanged. They were founded on the shared goal of pleasure—not on the coherence of identity.<sup>81</sup> They were also intimate in that they hinged upon a mutual level of trust in one another. Therefore, contrary to the claims made by anti-bathhouse activists—GALPHA, Coyle, Brown, Shilts—Delany’s experiences at commercial sex establishments shows us that patrons were, in fact, capable of nurturing long-term, relationships with others. Patrons did not visit these establishments out of shame or an unwillingness to embrace one’s same-sex desires, but out of a desire to participate in a community shaped by the pursuit of sexual

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with Arly, who had lost his leg at five after his crazed, drunken father flung him under an oncoming subway. Arly also played the drums in his mother’s Columbian Pentecostal church. After meeting in the balcony of the Cameo Theater, the two men hit it off so well that soon they were going to each other’s apartments. Arly even helped Delany tend to his mother who had suffered a stroke that left her partially paralyzed. Once when Arly was over at Delany’s apartment, Arly reached out and pulled Delany to him and, with their eyes closed, the two kissed for ten or fifteen uninterrupted minutes. When the two stopped kissing, Arly confessed, “Now—I ain’t never done *that* before! I mean with a guy. First I was trying to pretend like your beard was pussy hair or something. But I didn’t even really have to do *that*!” In the summer of 1993, after several years without seeing each other, Delany ran into Arly and his wife, suggesting that Arly did not necessarily subscribe to any one set of sexual identity or practice. Ibid., 36

<sup>81</sup> Speaking in regards to these relationships, Delany explains, “Most were affable but brief because, beyond pleasure, these were people you had little in common with. Yet what greater field and force than pleasure can human beings share? More than half were single encounters. But some lasted over weeks; others for months; still others went on a couple of years. And enough endured a decade or more to give them their own flavor, form, and characteristic aspects. You learned something about these people...and they learned something about you. The relationships were not (necessarily) consecutive. They braided. They interwove. They were simultaneous...These relationships did not annoy or in any way distress the man I was living with—*because* they had their limits. They were not the central relationships of my life. They made that central relationship richer, however, by relieving it of many anxieties.” Ibid., 56-57.

pleasure. Delany's account brings to light how public sex is a social process with the potential to sidestep racial and class cleavages with benefits for all involved.<sup>82</sup> Given the social justice benefits attached to this form of sexual intimacy, Delany argues that, in the midst of our current state of capitalism, it is necessary to have interracial and interclass institutions that offer the services and fulfill the social functions provided by X-rated movie theaters that encourage sex among the audience.<sup>83</sup> Since these relationships are born out of a shared investment in pleasure and not a shared identity, I add that these relationships possess the power to radically destabilize the tendency of neoliberalism to co-opt minority social movements, something that came to fruition with the HIV/AIDS epidemic.

In *The Gentrification of the Mind*, author Sarah Schulman builds upon Delany to propose that gentrification does not only happen to buildings, neighborhoods, and cities, but it also happens to ideas, to diversity, and to the mind. Writing about the gentrification of New York City in the 1980s amid the HIV/AIDS epidemic, Schulman contends that AIDS and gentrification have collaboratively generated a number of epistemological shifts in people's consciousness, leading to a reduced engagement with both political and artistic change. While suburbanization homogenized race, class, gender, and sexual

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<sup>82</sup> Delany confesses that what made his sex life healthy between 1975 and 1995 was the presence of institutions such as the porn houses, the baths, and the bars. After the closing of these establishments, Delany rightfully wondered what that would entail for his sex life: "What kind of leaps am I going to have to make now between the acceptable and the unacceptable, between the legal and the illegal, to continue having a satisfactory sex life?" Ibid.

<sup>83</sup> Delany argues, "Given the mode of capitalism under which we live, life is at its most rewarding, productive, and pleasant when large numbers of people understand, appreciate, and seek out interclass contact and communication conducted in a mode of good will." Delany goes on to explain that because the class war erodes social practices through which interclass communication takes place new institutions must always be conceived to fulfill those social needs. He proposes that the services of these institutions be accessible not just to gay men but also to all men and women, regardless of sexual identity and practice. Ibid., 121.

particularities into privatized suburban lifestyles, Schulman writes that the city facilitated “innovative aesthetics, diverse food traditions, new innovations in arts and entertainment, new discoveries in music, ease with mixed-race and mixed religious communities, free sexual expression, and political radicalism.”<sup>84</sup> For Schulman, it is this dynamic mix of different kinds of people creating new ideas together that defines urbanity. In cities, people from diverse walks of life with differing points of view come into contact with one another. However, gentrification, Schulman argues, sanitizes this cultural diversity and replaces urbanity with “racial and class stratification, homogeneity of consumption, mass-produced aesthetics, and familial privatization.”<sup>85</sup> The gentrification of urban space is mirrored in the transformation of homosexuality away from the direct-action politics of gay liberation towards a homonormative politics of assimilation and non-redistribution. For Schulman, this shift in gay politics is a direct consequence of AIDS which convinced gay men into thinking that same-sex identities and practices were to occur in private should gay men seek state recognition. Schulman’s point here is that the gentrification of vice districts disrupts the diverse queer subcultural experiences and sexual heterogeneity that abound within urban spaces and, by extension, the counter-hegemonic cultural practices that disrupt the institutions of capitalism, heteropatriarchy, and white supremacy. Given the impacts of urban renewal on racial, class, gender, and sexual experiences, it is important to nurture the types of institutions that Delany and Schulman celebrate for enabling interracial and cross-class contact.

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<sup>84</sup> Sarah Schulman, *The Gentrification of the Mind: Witness to a Lost Imagination* (Berkeley, CA: University of California Press, 2013), 25.

<sup>85</sup> *Ibid.*, 27-28.

## Conclusion.

The relationship between AIDS and gentrification has hardly been recognized. Perhaps, it is because the trauma of AIDS still lingers or, more likely, because engaging the relationship between the epidemic and the urban revitalization of central cities stirs up questions about accountability that those in power are still unwilling to answer. This is a significant omission, particularly in the literature of urban politics, as cities and neighborhoods with high rates of AIDS-related deaths also witnessed profound gentrification. According to Schulman, the high rate of deaths from AIDS was one of a number of determining factors in the rapid spread of key neighborhoods in Manhattan.<sup>86</sup> For every leaseholder that died of AIDS, his apartment went to market rate. These apartments were subsequently subjected to dramatic increases in rent. This real estate conversion, in turn, accelerated the gentrification of neighborhoods, a process that was already underway before the HIV/AIDS epidemic. Since PWHAs had no protections, their surviving partners or roommates were barred from inheriting the leases.

Because the trajectory of the HIV/AIDS epidemic interweaves with patterns of urban change in the last thirty years in the United States, it is imperative that we examine both phenomena in relation to one another. How did one create the conditions of

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<sup>86</sup> Some of the most gentrified neighborhoods in Manhattan included East Village, West Village, Lower Eastside, Harlem, and Chelsea. According to the National Research Council's 1993 report on the social impact of AIDS, Manhattan's highest rates of infection were in Chelsea (1,802 per 100,000), Lower Eastside East Village (1,434 per 100,000), Greenwich Village (1,175 per 100,000), and Harlem (722 per 100,000). As part of the process of gentrification, the racial and class demographics of these neighborhoods changed along with increased property values. Schulman reports that by 2008, 22 percent of Harlem's residents were white. (In 1988, Manhattan was 47 percent white. By 2009, it was 57 percent white.) Meanwhile, by 2009, the average household income in Chelsea was \$176,312. The median housing sales price in the West Village in 2010 was \$1,962,500, despite the crash of the credit markets. While foreclosures pervaded the housing market across the country, East Village had one of the lowest foreclosure rates in New York City. This is not to suggest that AIDS was the sole determinant factor in the gentrification of neighborhoods in San Francisco or New York City. Gentrification was already underway in these cities in the late 1970s when AIDS hit in 1981. However, AIDS did intensify the process of urban revitalization in these places. Ibid.

possibility for the other? As is evident from this chapter, AIDS has immensely and unquestionably contributed to the decimation of public sexual cultures while it has simultaneously powered through the gentrification of vice districts. The gentrification of vice districts and neighborhoods primarily inhabited by white gay men, in turn, contributed to the rise in the politics and culture of homonormativity. By normalizing the practices of consumerism, domesticity, and privacy, homonormativity bolstered the social infrastructure of gentrification. The gentrification of AIDS confirmed that domestic space would be the medium through which white gay men could vouch for their normativity and hence petition the state for their inclusion within the economic, political, and social fabric of the nation. After all, it was via private living arrangements that the courts first legally recognized middle-class, white same-sex couples.

In 1985, Michael Brown, a 31-year-old white gay man, filed a landmark suit claiming that he was entitled to the same lease renewal rights as a heterosexual surviving spouse under a New York state policy regulating rent-controlled apartments. Brown and his partner, Robert Hayes, shared a \$161-a-month one-bedroom apartment in the Chelsea section of the city since 1977. However, because only Hayes' name was on the lease, when he died of AIDS in 1985, the landlord refused to renew the lease for Brown, whom he characterized as "at most a roommate." The landlord demanded that Brown pay the fair market value of the apartment of \$1,000 a month if he so desired to remain in the apartment. In response, Brown filed suit, contending that the city's Rent Stabilization Law provided renewal of a lease not only to a legally married spouse, but also to a



“surviving gay life partner.” In justifying that he was entitled to paying the rent-controlled amount, Brown proclaimed, “We lived as do spouses.”<sup>87</sup>

In support of Brown’s pending court motion, the Chelsea AIDS Committee (CAC) organized a rally of about 150 people, both gay and straight, outside Brown’s Chelsea apartment. Chanting “Stop AIDS evictions,” supporters insisted that Brown had a right to a lease renewal because of the spousal relationship he maintained with Hayes. In an interview with *Newsday*, a community activist and Chelsea resident at the rally underscored the far-reaching implications of Brown’s petition: “Underlying this is that lesbian and gay people really want to be treated as any other people.” Another organizer from CAC described to *Newsday* the pervasiveness of such “AIDS evictions” by commenting that “all over New York City people are being evicted from their apartments because their lovers or...partners have died of AIDS. And we’re going to say to landlords, you’re not going to evict our family members anymore.”<sup>88</sup> Despite this mass mobilization on behalf of Brown, Manhattan Supreme Court Justice Helen Freedman ruled in December of 1985 that although she was sympathetic to Brown’s “unfortunate plight,” the law stated that only the named tenant had a right to a lease renewal. In response, the State Division of Housing and Community Renewal issued an “emergency” bulletin requiring that renewal leases be automatically offered to both surviving “immediate” family members living in the apartment and “non-immediate” family members, such as siblings, nephews, uncles, and in-laws.<sup>89</sup> Brown’s attorney appealed Freedman’s decision under the emergency order protecting spouses and family members

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<sup>87</sup> “Briefs: New York gay man seeks spousal rights,” *GLC Voice*, Feb. 3, 1986.; “Roomer or Mate?” *Newsday*, Jan. 4, 1986: 6.

<sup>88</sup> Jack Sirica, “150 Rally Against Eviction,” *Newsday*, Mar. 30, 1986: 3.

<sup>89</sup> Dennis Hevesi, “Partner of Gay Tenant Has Rent Rights: Judge,” *Newsday*, Apr. 22, 1986: 2.

of deceased tenants from eviction. Brown's attorney declared to the press, "Our argument here is that Michael Brown is in the same position as a widow or widower. The only thing he doesn't have is the marriage certificate."<sup>90</sup> Brown's attorney did not argue that Brown should have maintained paying the rent-controlled amount by mere virtue of having lived in the apartment for eight years. Instead, he privileged Brown's conjugal relationship with Hayes within the domestic sphere. This legal approach proved successful.

In the spring of 1986, Freedman reversed her previous decision and ruled that Brown, as the "life partner" of Hayes had the same right as a family member to remain in the couple's rented apartment.<sup>91</sup> In a statement to the press, Brown's attorney lauded the court's decision: "I think the decision is a very well-reasoned one...It finds in the context of housing that gay life partners are entitled to the same rights as family members." By determining that apartments be offered to same-sex partners of deceased leaseholders, even if their name did not appear on the lease, Freedman's ruling conceived of homosexual "life partners" as having the same rights as certain family members, especially in regards to apartment leases. To that end, Freedman's ruling was one of the first instances in American legal history that the courts recognized same-sex relationships as equal to heterosexual ones. It is important to note, however, that this recognition was

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<sup>90</sup> Jack Sirica, "The Quiet Mourning After AIDS Deaths," *Newsday*, Feb. 16, 1986: 6.

<sup>91</sup> Barry Adkins, "Judge Rules 'Gay Life Partners' Are Family Members," *New York Native*, May 5, 1986, 8.; "Homosexual Partner Wins Rent-Law Case," *New York Times*, Apr. 22, 1986: B3.; "Letters: Surviving lover wins lease," *Equal Time*, May 18, 1986.

contingent upon framing white gay men as rightful inhabitants of a domestic sphere; it was not the culmination of a newfound tolerance by the state.<sup>92</sup>

Brown's case epitomizes how the homonormalization of white, middle-class same-sex households in the United States is intimately tied to the social and spatial restructuring of U.S. cities. The privatizing imperatives of U.S. LGBT politics (i.e., marriage as a solution to HIV/AIDS) has rendered LGBT political mobilizations inseparable from private property politics under neoliberalism (i.e., gentrification). This process underscores that norms of domestic space are central to the articulation of social value enacted by marginalized groups in their campaign towards cultural, political, and social inclusion.

Speaking about the prominence of gay marriage in the wake of AIDS, Schulman argues that before the epidemic, gay marriage was considered "preposterous." This is because the gay liberation movement promoted a defense of a community-based culture and a rejection of privatized family units on a reproductive model. With the

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<sup>92</sup> Freedman's ruling would be short-lived. In the spring of 1987, the Appellate Division of the New York Supreme Court struck down Freedman's ruling by arguing that the regulations issued by the Division of Housing and Urban Renewal that allowed the transfer of leases on rent-stabilized apartments to non-immediate family members were illegal. Still, many other similar cases emerged in which the death of a leaseholder due to AIDS-related complications triggered the eviction process for his partner. Another high-profile case of "AIDS eviction" is that of Everett Quinton and his partner Charles Ludlum, founder of the Ridiculous Theatrical Company in New York City. When Ludlum died of AIDS-related complications in 1987, Quinton, who served as artistic director for the theater company, received news from his landlord that he was being evicted from the Greenwich Village apartment the couple had shared for 11 years. Since Quinton's name was not on the lease, the landlord argued that Quinto had to vacate the premises. In response, Quinton waged a court battle to stop his eviction from the \$334-a-month, rent-stabilized apartment. On May 21, 1988, about 75 people, including tenants and members of community groups, rallied in Sheridan Square in Manhattan to protest Quinton's eviction. Quinton told *Newsday* that the eviction was "really unfair" and that it came at time when he was still grieving. He warned, "This could happen to anyone—straight people are in the same boat. Landlords can throw you into the street if your name isn't on the lease." Then-State Senate Minority Leader Mandred Ohrenstein told *Newsday* that the law governing apartment rentals was ambiguous. As a result, Ohrenstein co-sponsored a bill that would prevent the eviction of the surviving member of a long-term cohabitating relationship, even if that person had not signed the lease. He hoped the law would apply to both "traditional" and "nontraditional" relationships. Joseph W. Queen, "Survivor Faces Eviction Fight," *Newsday*, May 22, 1988: 17.

homogenization of cities, nevertheless, and the unexamined trauma of AIDS, homosexuality shifted away from its radical underpinnings into one aligned with dominant cultural, social, and political structures. Through the ideological expansion of domesticity and privacy to include long-term, monogamous same-sex couples, gay marriage leaves the model of compulsory heterosexism, white supremacy, and private property intact. In the context of AIDS and a dwindling public sphere, gay marriage proved a somewhat appealing solution to the epidemic for some white gay leaders. Gay marriage offered gay men a stability long denied to them. Schulman stipulates, “The trauma of AIDS—a trauma that has yet to be defined or understood, for which no has been made accountable—has produced a gentrification of the mind for gay people. We have been streamlining into a highly gendered, privatized family/marriage structure en masse.”<sup>93</sup> In spite of the stability it may afford some, gay marriage was and remains a non-threatening solution. It does not so much as question material conditions or explain how some men are at greater structural risk for HIV given lack of health care and access to sex-positive HIV-prevention. Precisely because it does not address the structural vulnerabilities that engendered the HIV/AIDS epidemic, gay marriage as a solution to AIDS assumes that those infected with the virus did so out of a moral failing, out of an inability to stop having casual, anonymous sex. Left immune to critique are the government and the medical establishment. By accessing dominant values, gay men replace their own cultural distinction and community-based structure with a reification of the very same institutions and cultural practices that left them vulnerable to AIDS in the first place.

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<sup>93</sup> Schulman, *The Gentrification of the Mind*, 155.

Policies of closure towards bathhouses and campaigns to crack down on public sex at parks in the mid-1980s illuminate that the law has been used to condition normative expressions of white gay male sexuality and to simultaneously criminalize non-normative sexual cultures, both heterosexual and queer. In Minneapolis, in an effort to minimize anonymous sex and promote sexual privacy among white gay men, the City Council passed an anti-bathhouse ordinance that outlawed gloryholes and required lighting in all private booths at erotic bookstores and X-rated theaters. This public health initiative extended well beyond the reach of HIV-prevention to include the urban redevelopment of downtown Minneapolis into a second-tier Global City through the domestication of gay male sexuality and the criminalization of racialized sexuality. Although this public health initiative openly targeted gay men and sex workers of color, policymakers and health officials sidestepped accusations of homophobia and racism merely by hiding under the veneer of public health discourse, a tactic that city officials throughout the country regularly employed. As part of this homonormative shift in gay politics, there has been a reliance on the state to police and monitor non-normative iterations of gay sexuality. The new gay moralism that advocated for long-term, monogamous relationships as a responsible disease prevention strategy provided for a shrunken public sphere and laid the foundation for an infrastructure of homonormative domestic privacy in line with the neoliberal restructuring of central cities.

Local anti-bathhouse activists, like Dick Brown and Brian Coyle in Minneapolis, insisted that a politics and culture of homonormativity would protect gay men against HIV. In pushing for the closure of bathhouses, they conflated the location of sexual practices to sexual behavior. According to this line of thinking, those who engaged in

sexual activity in public were, by definition, participating in unsafe sex, whether or not they used condoms. By sheer nature of its location outside the private room and the likelihood that participants did not know one another, public sex with anonymous partners was always, already rendered suspect. On the other hand, those who engaged in sexual activity in private were, by association, participating in safe sex. The fictitious narrative that equated public with unsafe sex was more ideologically driven—a moral judgment—than epidemiologically sound. The conflation between public sex and unsafe sex helped spread discourses and practices that privatized white gay male sexuality. This conflation worked in the interests of state campaigns to gentrify vice districts into tourist destinations and high-end residential neighborhoods. As anti-bathhouse activists convinced the public of the public health benefits of long-term, monogamous relationships and the evils of promiscuity, city officials worked to attract private investment into these districts. For these reasons, the campaign to enforce private, monogamous sex among white gay men served as an extension of city efforts to gentrify vice districts. The anti-bathhouse ordinance in Minneapolis, therefore, suggests that gentrification does not only denote the privatization of urban public space; it also entails the privatization of sexuality, in general, and the sanitization of dissident sexual identities and practices.

Given the material implications of conflating public sex with unsafe and promiscuity, effective HIV-prevention must work to reject that narrative. Queer activists, like members of FAGS, disputed the claim that there existed a logical correlation between public sex and unsafe sex and promiscuity. In fact, they argued that unsafe sex—sex without condoms—was more likely in the context of long-term, monogamous

relationships between individuals who knew one another than with strangers. They also pointed that this conflation between space and the level of risk promotes a false sense of security among gay men who did not and do not frequent commercial sex establishments. The relationship between the regulation of commercial sex establishments with economic and moral conservatism forces us to consider how radical queer politics must disrupt the notion that sexually normative identities and practices will somehow delay the spread of HIV.<sup>94</sup> Circulating a mirage of normative sexuality, all the while demonizing commercial sex establishments, will *not* protect the public from state practices that render some at disproportionate risk for HIV.

Although commercial sex establishments were and remain important to the dissemination of HIV-prevention, critics of the regulation of commercial sex establishments largely shied away from defending these venues on the simple grounds that public sex could fulfill a positive social good. Instead, they focused on how commercial sex establishments were important sites in HIV-prevention. But, commercial sex establishments were, and remain, more than that. They were also crucial to imagining alternatives to then-bourgeoning politics of neoliberal economy policy and homonormativity. Serlin writes that commercial sex establishments “for public sex play an important role not merely in affirming the right to consume porn or patronize sex clubs, but in supporting the construction of an alternative economy that encourages the desire for sexual and political liberation.”<sup>95</sup> With this alternative economy of sex, perhaps, we can envision urban spaces that operate not in the service of private real estate

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<sup>94</sup> Reddick, “Dangerous Practices.”

<sup>95</sup> Serlin, “The Twilight (Zone) of Commercial Sex,” 52.

speculation but rather to nurture communities across social cleavages for the purpose of dismantling neoliberalism.

As representations of white gay men shifted from supposed irresponsible sex addicts to sexually monogamous citizens, downtown Minneapolis transformed itself from a space of vice to the premier location in the Upper Midwest for high-end retail, massive office towers, luxury apartment buildings, and countless other cultural amenities as part of attracting hordes of young urban professionals. That public health came to exert an influence extending far beyond the reaches of health is evident in the role race and sexuality played in shaping the reputation of Minneapolis as a clean, liberal, and modern city through the sanitation and good health of its body politic. In focusing on conservative campaigns against sexual expression, masked under the auspices of HIV-prevention, I have not only traced the rightward shift in mainstream gay and lesbian politics, but I have also gestured to how the domestication of queer sex requires a disavowal of public sexual cultures, communities, and practices. AIDS moral panic became a way to justify the crackdown of public sexual cultures and the spaces that incubated those practices. These public sexual cultures were largely racialized since poor, people of color lacked access—both discursively and materially—to the normalizing imperatives of domestic space.

In the next chapter, I continue exploring how notions of racialized and sexual deviance have been instrumental in urban change in the United States in the last thirty years by examining the normative itineraries of public housing's privatization in north Minneapolis. Just as the HIV/AIDS epidemic powered on, city officials insisted that conditions of urban blight were the result of the gender and sexual non-normativity of the



racialized poor. To remedy these social ills, policymakers proposed the privatization of public housing as a means of generating a cleaner, more livable, and more prosperous Minneapolis. In practice, however, that process merely wiped out low-income housing for poor and working-class communities as it implanted high-rent offices, luxurious hotels, and high-priced restaurants to the benefit of large and politically well-connected private developers.

## Chapter Six.

### False Hope: The Spatial Engineering of Heteronormativity via the Neoliberal

#### Restructuring of Public Housing

##### **Introduction.**

In the 1990s, the U.S. Department of Housing and Urban Development (HUD) settled several meritorious lawsuits brought against the agency for the residential segregation of public housing. The plaintiffs in these lawsuits alleged racial discrimination on the part of HUD for negligently and willfully isolating public housing in minority- and poverty-concentrated neighborhoods. To settle these claims, HUD entered into “consent decrees,” or negotiated settlements, in more than a dozen cases nationwide, including the *Hollman Consent Decree* in Minneapolis. As one of the first cities in the country to experience the government’s newfound spatial logic, Minneapolis provides us with an ideal case study of the neoliberalization of urban space.

Out of an effort to remedy a long history of racial discrimination in federal housing policy, these consent decrees conveyed HUD’s newfound policy of deconcentration. With deconcentration, housing authorities ordered the demolition of high-rise public housing “projects” and their replacement with lower-density, multi-racial, mixed-income developments. Housing authorities likewise enacted mobility programs to suburban locations. Deconcentration, however, did not achieve its intended purpose of residential integration. In fact, deconcentration led to the very same conditions housing officials were purported to eradicate: economic isolation.

Although housing officials lauded deconcentration as the means of undoing the state’s racist housing practices, deconcentration incurred greater economic and social hardship

on poor, families of color by merely relocating poverty elsewhere for the purpose of preparing inner-city neighborhoods for gentrification. And yet, HUD's overt multicultural investments—opening up mixed-income housing and suburban living to people of color—enabled housing authorities to execute these covertly racist and economically devastating policies with little to no critique or social recourse. These policies worked in the service of a white liberal discourse and practice of Minnesota Nice which posited that the racialized poor in the region were allegedly afforded greater assistance and care because of the liberal, progressive, and tolerant ethic of the Midwest. To the extent that they abstracted the role of the state in conditioning the concentration of racialized poverty, HUD's policies and practices in the 1990s reflect neoliberal ideology. As I argue, these policies and programs, the *Hollman Consent Decree* and HOPE-VI, avoid a critique of structural racism by displacing the failure of public housing onto the non-normative gender and sexual identities and practices of the racialized poor. Housing officials often referenced urban blight in relation to the perceived gender deviance and sexual non-normativity of the racialized poor. Portraying North Minneapolis as a product of the alarming adverse effects of gender deviance and sexual non-normativity allowed city officials and housing authorities to convince the public that gentrification was the solution to the city's social woes.

When they made sense of public housing's failure in the 1980s, housing authorities did not dwell on the massive budget cuts to HUD. Rather, they zeroed in on what they deemed were deviations by poor, people of color to the racialized norms of sexual hygiene—domesticity, intimacy, privacy, and respectability—that determine social membership in the United States. As a result, housing authorities sought to alter

people's non-heteronormative behaviors as part of a neoliberal spatial fix. Given its intended goal of behavioral modification, HUD deployed a neoliberal spatial fix to remedy material inequality by purely altering the ways in which people occupied space, not by addressing the deep-rooted causes behind that inequality. HUD's new vision of urban space registered a strategy that sought to mitigate gender and sexual non-normativity by simply reconfiguring the built environment in line with the neoliberalization of urban space. Concretely, this vision of racial integration unfurled into policies promoting mixed-income housing and suburban living, both of which were designed to "fix" the racialized poor by instilling upon them new neoliberal subjectivities.

In this chapter, I examine the complex entanglements between architecture, structures of racism, and the institutionalization of racialized norms of sexual hygiene. By centering a materialist-critique of deconcentration policy, I reveal that the neoliberal restructuring of public housing in the 1990s hinged on gender and sexual non-normativity to legitimate privatization. I show that housing authorities attempted to remedy the non-heteronormativity of the racialized poor through spatial technologies that foisted racialized norms of sexual hygiene upon them. I propose treating housing policies and practices as a "mode of subjection" in which gender and sexual normativity is imposed upon poor, people of color to sidestep having to truly confront structural racism, all the while naturalizing the unequal outcomes propagated by capitalist exploitation.

I begin this chapter by examining city, media, and police accounts of a "racial underclass" in Minneapolis beginning in the 1980s. Stories of fatherless street gang members and crack-addicted single mothers took form of a narrative that the media

dubbed “the Gary Syndrome,” in response to a perceived influx of poor, people of color from Gary, Indiana. In particular, I argue that these new stories, which exploited the public’s contempt for the racialized poor, operated to garner public support for the constitutionally questionable police practices of the war on drugs, and the compulsion towards privatization as a solution to the failures of public housing. Next, I look at how policymakers instituted a series of Americanization programs out of a belief that culturally retraining single mothers of color would undo the economic impoverishment confronting these groups. Health and housing authorities operated neighborhood clinics and visited homes in a practice that sought to inculcate proper family arrangements. I then move to a discussion of the *Hollman Consent Decree*, outlining how this and other neoliberal urban policies professed that a sexually-conjugated racial pathos could be contained and pacified through the architectural design codes of New Urbanism and defensible space. Health and housing authorities endorsed the claim that living under crowded conditions and unsanitary environments contributed to street gangs and drug abuse. To remedy such conditions, they encouraged a policy of deconcentrating poverty. My analysis not only points to how the racially coded language of public health and housing was central to constructing nonwhite populations as a threat to white Americans, but it also sheds light on the particular mechanisms through which the sexual meanings attached to race have been enforced through space. My chapter, thus, confirms that the history of public housing inequality and suburban financial prowess is actually part of the history of racialized normativity as illustrated through U.S multiculturalism.

### **The Gary Syndrome.**

The deconcentration of poverty in north Minneapolis in the late 1980s and early 1990s took place in the context of a large wave of urban black migration from post-industrial centers to service-oriented cities in the North and West. Urban migrants of color descended upon the Twin Cities in search of higher-paying jobs and to be reunited with family members. This migration of poor, people of color—primarily black—radically transformed those cities culturally, politically, and socially. Compared to other cities, Minneapolis and St. Paul progressed at a slower pace towards increasing racial diversity. For that reason, the Twin Cities area ranked as one of the nation's whitest metropolises. In 1990, the population of Minneapolis that was black, Hmong, or Native American was 21.6 percent. In St. Paul, that number was 17.7 percent. Although the Twin Cities remained largely white, pockets of both cities experienced a significant surge in non-white populations. Perhaps because the Twin Cities region remained so white, any noticeable change in racial demographics was bound to stir up panic of an invading horde of minorities.<sup>1</sup>

As a historical moment of economic crisis and physical dislocation, neoliberalism buttressed the migration of poor, people of color from the Rust Belt of the Midwest to cities in the North and West. Neoliberalism eradicated the blue-collar jobs that the racialized poor—street gang members and drug-addicted single mothers—could seek out. In the late 1960s and early 1970s as factories closed and moved overseas, many central cities in the United States experienced a changing economic base. The shift from a manufacturing-based economy to one supported by financial, real estate, and insurance

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<sup>1</sup> Paula Klauda, "Racial patchwork slowly emerging," *Star Tribune*, Aug. 18, 1991: 1A.

services witnessed the reorganization of cities into sites of symbolic production. The new service economy, in turn, divided people into those who were skilled and affluent enough to participate in symbolic production, and those low-income, unskilled laborers who merely supported these white-collar professionals. As jobs in the manufacturing sector of the economy vanished, the tax base diminished and the social services that once supported these areas disappeared. Out of the ashes of these dwindling economic possibilities, street gangs and the informal economy that maintained them arose to attend to the needs of these “surplus populations.” Comprised of primarily black, Mexican, and Puerto Rican teenagers, these street gangs engaged in interracial gang warfare for “drug turf” but also fought against the police and one another. In his book, *In Search of Respect*, urban sociologist Philippe Bourgois establishes a relationship between the country’s shift towards a service-oriented economy, high rates of unemployment for communities of color living in urban areas, and their participation in the informal economy of the drug trade.<sup>2</sup> Rather than addressing these economic disparities,

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<sup>2</sup> The war on drugs further established racial and class boundaries by providing the state with a legally justifiable means of incarcerating thousands upon thousands of African-Americans and Latinas/os. In *The New Jim Crow*, legal scholar Michelle Alexander argues that the war on drugs was the result of a cultural backlash by conservative ruling elites threatened by the economic, political, and social gains of African-Americans. The war on drugs began with the passage of the Comprehensive Drug Abuse Prevention and Control Act of 1970, which required that the pharmaceutical industry maintain physical security and strict record keeping for certain drugs. It also divides controlled substances into five classes based on their supposed medical usefulness and potential for abuse. While the conservative movement of the 1960s and 1970s—Nixon’s Silent Majority—helped put into action the war on crime, the Reagan administration perfected it by bringing crime fighting to the war on drugs. The new conservative movement of the 1980s—the New Right—foisted upon the country an agenda of law and order and anticrime practices to restore moral order—white supremacy—in the United States. These drug war policies became the most effective in undoing the gains of the 1960s. Precisely because the war on drugs did not explicitly target any one specific population, unlike Jim Crow segregation, it became the means through which right-wing and conservative politicians could recuperate a semblance of control and power over the direction of the United States. Consequently, in an alleged colorblind society, “crime” and “drugs” became the rallying cry through which politicians could legally target communities of color for extraordinary punishment. See: Michelle Alexander, *The New Jim Crow: Mass Incarceration in the Age of Colorblindness* (New York: New Press, 2010).; Phillipe Bourgois, *In Search of Respect: Selling Crack in El Barrio* (Cambridge, EN: Cambridge University Press, 1996).

government at the local, state, and federal level orchestrated new criminal punishment policies and practices to fight crime. As part of that impetus to restore “law and order,” the infamous war on drugs materialized.

It was in this context of dwindling economic possibilities and heightened policing that poor, families of color migrated to the Twin Cities. Urban migrants of color, however, encountered little respite from the institutions and symbols of white supremacy and capitalism they had been fleeing. What they did find were discriminatory housing and employment practices along with a revamped law enforcement apparatus by way of a white populace that responded to their presence with anger, fear, and resentment. For all the talk of racialized anxiety and white injury, race was hardly, if ever, explicitly acknowledged. Instead, mainstream media spoke of an “underclass.” This discourse of a racial underclass underpinned the circulation of what the local press dubbed the “Gary Syndrome,” a narrative that named the supposed invasion of poor, black people—“nomadic thugs”—from post-industrial cities. The City of Gary, Indiana, was only a symbol for what policymakers deemed an “alleged criminal migration phenomenon” from places such as Chicago, St. Louis, Milwaukee, Kansas City, and Detroit.<sup>3</sup> In an article appearing in the biweekly news magazine, *Twin Cities Reader*, the author interviewed a number of police officers in regards to the causes and solutions to the Gary Syndrome. By and large, everyone interviewed agreed that there was such a phenomenon as a wave of criminal migrants.

From property crimes to shoplifting, police officers described these out-of-town criminals as being more daring than the homegrown variety, importing with them a

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<sup>3</sup> Jim Leinfelder, “The Gary Syndrome,” *Twin Cities Reader*, Jan. 27-Feb. 3, 1988.



variety of “out-of-state” techniques that rendered crime fighting all the more difficult. Police and policymakers argued that criminals flocked to Minneapolis because of “better welfare.” To curb the flow of criminals, they actively considered changing welfare eligibility requirements to include residency restrictions.<sup>4</sup> Although a large swath of police and policymakers maintained that there was a factual basis to the Gary Syndrome, it was difficult to confirm that poor, people of color from out-of-town were responsible for perceived uptakes in crime. Most of the evidence cited to corroborate the existence of the Gary Syndrome was anecdotal and based off personal opinion (Figure 6.1).<sup>5</sup>

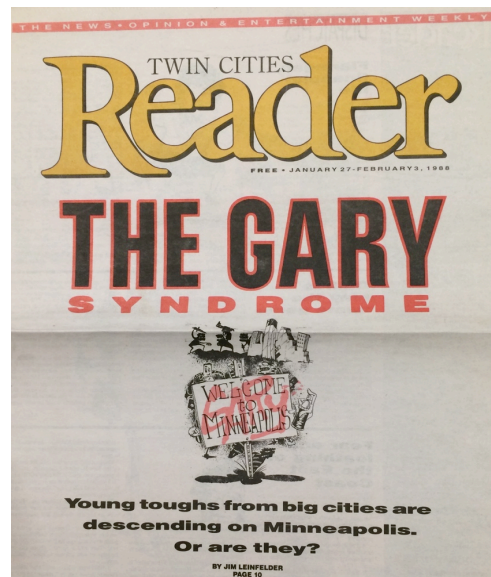
Whether or not there was a factual basis to it, the Gary Syndrome justified the state’s withdrawal in the provision of social services towards the poor and it inspired the expansion of the criminal punishment system. Since their social practices were understood as irresponsible and reckless, the presence of the racialized poor was framed as requiring discipline either through the prison-industrial complex and its operating system of the war on drugs, or through socially benevolent housing programs. This latter approach involved Americanization programs intended to impress upon the racialized

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<sup>4</sup> To help discourage the negative outcomes associated with the Gary Syndrome, Hennepin County Commissioners Mark Andrew and Jeff Spartz proposed changing welfare eligibility requirements to include residency restrictions. Andrew explained, “I have no objection to a poor person coming here because the employment prospects are good. But we’re getting a lot of slimeballs in here.” He added, “If it becomes general accepted that you are the community to move to get better welfare, two things happen: More people move in than you can support, and you have provided an easy out for those communities that haven’t faced up to their own problems.” Ibid.

<sup>5</sup> While factual evidence that verified the Gary Syndrome was non-existent, what did exist were plenty of anecdotal evidence. City Council Member Brian Coyle, an openly-gay white man, shared several personal experiences, from waiting for public transportation to walking to the store, that confirmed for him the existence of the Gary Syndrome. Coyle described, “There seems to be density within certain neighborhoods, or at certain intersections, that are being dominated by these folks.” He acknowledged that although most urban migrants were motivated by job prospects, others were not. “I still think the majority of the people in *my* neighborhood are coming here for economy opportunity. But at the same time, along with that have come relatives and, frankly, some of their children, who already have previous gang experience. That is what the police are seeing and so are we as neighbors. It makes it hard to welcome the rest of the folks” (emphasis added). Ibid.

poor a more normative approximation to racialized norms of sexual hygiene: domesticity, intimacy, privacy, and respectability. Policymakers believed that the presence of the racialized poor not only constituted an economic and social drain, but also presented a threat to the city's moral health. Charges of poor sexual hygiene confirmed perceptions that urban migrants of color were both a material risk to the economic aspirations of the city and a metaphorical threat to the health of the city's body politic. Both of these approaches did not consider the structural factors that propelled the migration of the racialized poor to Minneapolis. What these approaches did do well was circulate the notion that the lived experiences of poor, people of color with racism and poverty were the products of their gender and sexual non-normativity.



**Figure 6.1:** This is the cover to the Twin Cities Reader's story on the Gary Syndrome, appearing in the Jan. 27-Feb. 3, 1988 issue of the newspaper.

For many in positions of power, crime appeared to be an extension of the pathologies associated with the racialized poor. The policing of the racialized poor in Minneapolis was, therefore, informed by archetypal and stereotypical gendered and sexual representations of communities of color. In an article appearing in *City Pages*

asking city officials for their predictions of the Twin Cities for the 1990s, City Council Member Brian Coyle, an openly-gay white man, painted a bleak picture. He foretold that because of “single parents having lots of children,” the city would be tasked with defining “what is responsible sexual behavior.”<sup>6</sup> These alleged deviations by poor, people of color from racialized norms of sexual hygiene legitimated for city officials and law enforcement agents their bases of inherent suspicion.<sup>7</sup>

Police argued that the presence of out-of-town criminals was most strongly felt in gang-related street violence. The media and police attributed gang-related violence to the alleged breakdown of the African-American family. In a cover story appearing in the May 1990 issue of *MPLS-ST. PAUL*, a Twin Cities news magazine, author Britt Robson

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<sup>6</sup> *City Pages* article, Aug. 8, 1989, Box 16, Folder: Newspaper Clippings, 1986-1991, Brian J. Coyle Papers, The Minnesota History Center.

<sup>7</sup> On July 9, 1986, Coyle held a community forum titled “Coping with Crime and Community Problems” to discuss concerns among residents of a perceived increase in crime, a supposed result of black urban migration to Minneapolis. In an op-ed announcing the upcoming community forum, Coyle recognized how this migratory influx translated to fears of crime committed by black people against white people. Although he emphasized that the majority of these concerns were unfounded, Coyle bolstered the notion that single-headed black female households and racialized poverty did in fact contribute to black crime. Coyle opened his op-ed by narrating the story of Joe Lincoln, a white Country Club shopkeeper, who fired off his semiautomatic weapon at Tyrone Kennedy, a 19-year-black youth accused of robbery in the southeast neighborhood of Whittier. The police and public had praised Lincoln for his “self-sufficient approach to maintaining law and order.” Coyle reported that the same weekend of Kennedy’s shooting, a female neighbor of his had also been robbed by another black teenager in a home-invasion. Coyle went on to quote Ed Koch, Mayor of New York City, who in the *New York Times* wrote: “We cannot avoid the fact that crime in New York City is disproportionately committed by young men who are black... One recent estimate suggests that a young black man is 10 times more likely than his white counterparts to commit a robbery.” Coyle substantiated Koch’s claims by writing, “Crime reports which daily come across my desk clearly illustrate that the reality of street crime in the Sixth Ward of Minneapolis isn’t that different than in New York.” The purpose of these anecdotes and comparisons was to bring attention to Minneapolis witnessing “the development of a permanent underclass” of black people. Although Coyle recognized “government indifference” to this underclass, he still suggested that gender and sexual deviations were partly responsible for that propensity to crime by black people. For instance, Coyle mentioned that the Minneapolis educational system was experiencing middle-class white flight from public schools due to an influx of “pupils from poor, minority, *single-parent* families” (emphasis added). “Long, hot summers’ in the 80s? Coyle calls community forum,” Jul. 1987, Box 16, Folder: Newspaper Clippings, 1986-1991, Brian J. Coyle Papers, The Minnesota History Center.

reported on the proliferation of street gangs in the Twin Cities area.<sup>8</sup> For the story, Robson interviewed Jerome Copeland, a former high-ranking member of the Black Gangster Disciple Nation, one of then-dominant street gangs in Minneapolis. Copeland was no longer a gang member; he had moved on to outreach work with The City, a non-profit youth-oriented organization based in south Minneapolis. Still, Robson emphasized that Copeland, in addition to having been in and out of prison for selling drugs, was not originally from the Twin Cities. He hailed from Gary, Indiana. Robson primarily focused his article on developing a hypothesis that made sense of street gangs. Taking a cue from wider discourses of a racial underclass, Robson attributed gang-related violence to the breakdown of the African-American family (Figure 6.2).



**Figure 6.2: This is the cover to the MPLS-ST. PAUL story on street gangs in the Twin Cities, appearing in the May 1990 issue of the magazine.**

<sup>8</sup> The foreboding tone of the story was set in motion by the editor of the magazine who introduced the story by pointing out that street gangs were a part of life in Chicago, Los Angeles, and New York City, but not the “litter-free streets of Minneapolis and St. Paul.” The editor elaborates, “The thought of gangland violence in *our* land of loons, picnics, sunrise jogging and sunset canoeing is as foreign as matzo balls at a Scandinavian smorgasbord” (emphasis added). Here, the editor uses metaphor to present a “litter-free” Twin Cities as one without street gangs. In so doing, the editor associates the presence of litter or trash—an out-of-place, unwanted entity—with the presence of gang members who in the context of this story are predominantly black. (Although Robson, the author of the cover story, recognizes that a variety of races are represented among street gangs in the Twin Cities, he states that the overwhelming majority of local gang members are African-American.) Therefore, the “litter-free” or gang free Twin Cities that the editor of the magazine reminisces is one perceived as white, untainted by presence of out-of-place, unwanted black people. Brian Anderson, “Gangland, Minn,” *MPLS-ST. PAUL*, May 1990.

Robson cited Copeland's childhood upbringing to confirm his hypothesis on the breakdown of the African-American family. Copeland joined a street gang after the grisly murder of his mother when he was 13-years-old. Copeland's father was never around leaving him orphaned in the public housing projects of Gary, Indiana. As though Copeland's story was not sufficient enough to prove the author's claims, Robson offered up the experiences of another outreach worker who shared a similar childhood upbringing as that of Copeland. This outreach worker lamented: "I didn't have the male image in the home, and I don't know if this made a difference in the way I came out or not. There were a lot of things I thought could have been for me but weren't, so I rejected authority; I didn't let any man get close to me." Since this outreach worker had no positive male role model in his life, he sought to fulfill that role by serving as an outreach worker. Although his interest in steering youth of color in a positive direction is laudable, he believed that the presence of a male image alone determined whether a youth would join a street gang. The outreach worker upheld the notion that a two-parent entity was responsible for implanting a firm moral compass and value system in children. Because of this investment, he reinforced Robson's claim that heteronormativity was the solution to structural inequalities that compelled youth of color to partake in the informal economy.

For Robson, the breakdown of the African-American family was the catalyst that "created the conditions in which gangs have flourished." In an ode to Oscar Lewis's infamous "culture of poverty" thesis, Robson elaborated that in the wake of this breakdown, "more and more people" have become "enmeshed in an increasingly

desperate cycle of poverty and need.”<sup>9</sup> Theories that explain black material inequality on gender and sexual non-normativity have a long history in the United States. In 1936, sociologist Frederic Thrasher—whom Robson profusely cites—argued that street gangs were defined by six conditions: inadequate family life, deteriorating neighborhoods, ineffective religion, poor education, and lack of recreational facilities. Thrasher contended that these factors worked together to deny opportunity and to divest hope from marginalized communities.<sup>10</sup> Theories of a black subculture of violence once again gained prominence in the 1960s around the same time when Sen. Daniel Patrick Moynihan infamously argued in his report on the “Negro family” that the inability of African-Americans to overcome the effects of racism was due to deterioration of the African-American family unit, itself a product of the emasculation of the black male by the working black female who defied white, middle-class gender norms.<sup>11</sup> These theories of a black subculture of violence purported to explain the alleged propensity for violence among low-income urban black males. One of the most significant of these studies was

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<sup>9</sup> In his mid-1960s ethnographic work of East Harlem, *La Vida*, anthropologist Oscar Lewis collected thousands of pages of life-history accounts from one extended Puerto Rican family in which most of the women were sex workers. Out of these accounts and other ethnographic data from Mexico, Lewis developed his infamous “culture of poverty” theory. According to Lewis, there existed an intergenerational transmission of destructive values and behaviors among his ethnographic participants, what he called representative of a “culture of poverty.” Lewis, however, failed to note how political-economic structures historically circumscribed the life opportunities of his ethnographic participants. In so doing, Lewis’s work validated for many in positions of power their deep-rooted contempt for the racialized poor. Oscar Lewis, *La Vida* (New York: Vintage, 1968).; Oscar Lewis, *The Children of Sánchez: Autobiography of a Mexican Family* (New York: Vintage, 1961).

<sup>10</sup> Frederic Thrasher, *The Gang: A Study of 1,313 Gangs in Chicago* (Chicago: University of Chicago Press, 1929).

<sup>11</sup> Daniel Patrick Moynihan, *The Negro Family: The Case for National Action* (Washington, D.C.: Office of Policy Planning and Research, 1965).

conducted by Marvin Wolfgang in which he developed his famed “subculture of violence” theory.<sup>12</sup>

If the breakdown of the African-American family engendered a cycle of poverty that created the conditions under which street gangs could emerge, then the remedy to street gangs lay simply in institutionalizing heteronormativity. With this in mind, Robson celebrated the example of Mad Dads, a non-profit organization of men who “offer both a role model and a visible force to gang members.” Originating in Omaha, Nebraska, members patrolled neighborhoods at night and painted over graffiti during the day.<sup>13</sup> The Omaha chapter had more than 500 volunteers, with more than half of them being black males. One of the founders explained to Robson, “We offer counseling and act as surrogate dads. Part of that is intervening in illegal activity...It can take a long time to gain trust and present alternatives to these kids, but we have gotten their respect and reduced the level of gang activity.” Although the founder recognized that “problems with racism and unemployment and no affordable housing” all contributed to the proliferation of street gangs, those were not the main concerns of Mad Dads (“someday we’ll get to that”). Instead, the founder insisted that “right now the first bite of the apple has got to be the family.” The founder did not clarify why the family unit itself ought to have been the most pressing matter. It is possible that he felt as though this was the more practical of issues to address. Nonetheless, it bolstered Robson’s claim that heteronormativity served as the solution to street gangs.<sup>14</sup>

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<sup>12</sup> Marvin E. Wolfgang and Franco Ferracuti, *The Subculture of Violence: Towards an Integrated Theory in Criminology* (New York: Routledge, 1967).

<sup>13</sup> A chapter of Mad Dads had been founded in Denver and the group had received inquiries from 10 other cities including Los Angeles.

<sup>14</sup> Britt Robson, “Mean Streets,” *MPLS-ST. PAUL*, May 1990.

Much of the gang-related crime committed in metropolitan areas in the mid-1980s was associated with the spread of crack cocaine.<sup>15</sup> As a cheaper form of cocaine, the drug spread like wildfire across central cities.<sup>16</sup> Even though both the use of powder and crack cocaine jumped throughout the country in the 1980s, the media fabricated an association of crack cocaine with blacks and Latinx.<sup>17</sup> Specifically, media narratives ascribed the crack epidemic as the underlying source of gang-related violence, child neglect, and welfare abuse. These reports provided the public with images of violent black men and uncaring black women who posed not only a threat to their own communities but to the entire society. In turn, through these news stories on crack cocaine, policymakers were provided with an excuse to justify the mass incarceration of blacks and Latinx. By furthering the state's war on drugs, the media became an important apparatus in confirming that gender and sexual non-normativity were at the root of black and Latinx people's socio-economic status. When the *Chicago Tribune* reported that gang-related violence was the leading cause of death among urban black males between 15 and 34, it cited analysts and experts that pointed to minority unemployment, immigration patterns,

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<sup>15</sup> The Minneapolis gang unit claimed that the local drug trade had created a spiral of gang-related crime. It explained that violence was the result of street gangs vying for "turf" to sell illicit drugs, especially crack cocaine. In Minneapolis, street gangs reportedly controlled between 30 and 40 percent of the local drug trade. In the case of crack cocaine, 30 to 40 percent of the 1,485 drug arrests in Minneapolis were related to crack or cocaine. By 1988, 70 percent of the 2,216 drug arrests were related to crack or cocaine. They were also allegedly responsible for more violent incidents in the Twin Cities. Police estimated that gang-related killings accounted for more than 40 percent of all 1990 homicides in Minneapolis.

<sup>16</sup> Although the media often reported on the heightened risk that crack cocaine posed for mainstream society, the drug was merely an alloy of powder cocaine and baking soda. Named for the "crackling" sound it makes when smoked, crack cocaine is derived from powder cocaine by dissolving it in hot water, adding baking soda, and then cooling the substance into a hard, smokeable pallet. When the substance is smoked, the admixture of baking soda allows the psychoactive effects of cocaine to be instantly released into the user's brain with great efficiency. This compares with the longer-term high that comes with snorting powder cocaine. See: Bourgois, *In Search of Respect*.

<sup>17</sup> Media scholar Natalie P. Byfield explains, "Crack cocaine's marketability—given its relatively low cost—to poor urban kids, and the participation of the unemployed urban poor in the sale of crack through low-level street hustling, allowed for an association among drug use, drug-related crimes, and race." Natalie P. Byfield, *Savage Portrayals: Race, Media, & the Central Park Jogger Story* (Philadelphia: Temple University Press, 2014), 171.



and most importantly a “phenomenal” rise in single-parent families— “with a breakdown in values and a sense that the future holds few options”—as the factors driving the problem.<sup>18</sup> If the breakdown of the African-American family unit was at the heart of street gangs, crime, and drugs, then the war on drugs was a battle that would “be won ultimately on the battlefield of values,” as the U.S. Attorney General Dick Thornburg told the *Star Tribune*.<sup>19</sup> The war on drugs provided the media and policymakers with a boundless opportunity to criminalize black people as unfit parents and underscore their supposed sexual deviance.

In a lengthy exposé by the *Star Tribune*, reporter Paul McEnroe, with a photographer in tow, accompanied the city’s narcotics unit on raids of “crack houses.” Out of these raids, McEnroe crafted a narrative that conveyed the toll of crack cocaine on the “hundreds of children in the Twin Cities” that were “neglected and exposed to violence by crack-using parents.” Although McEnroe never explicitly addressed race, he did state that according to police 90 percent of the crack houses they raided were

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<sup>18</sup> Rogers Worthington, “Minneapolis enlists gang members’ help City joins new trend to stem violence,” *Chicago Tribune*, Dec. 15, 1991: 29.

<sup>19</sup> The *Star Tribune* reported on the efforts of the nation’s then-drug control policy director, William Bennett, to reduce drug-related gang violence in Washington, D.C. The *Tribune* interviewed a number of experts and policymakers, all of whom cited the disintegration of the black family as the main culprit. Patrick O’Malley, an expert on drug abuse at the University of Michigan’s Institute for Social Policy, told the *Tribune*, “The basis root problems include a breakdown in family structure and economic status” something that law enforcement was “not going to get to the heart of.” The *Tribune* agreed claiming that “drugs and violence seem only the most terrifying symptom of a much larger disease, one that’s most prevalent in black inner-city neighborhoods that seem, suddenly, in the midst of social regression.” To illustrate that social regression, the *Tribune* reported that more than half of all black children in Minneapolis were born to unwed mothers. In inner-city D.C., and Baltimore, that figure was allegedly as high as 70 to 80 percent with nearly 55 percent of all single mothers and their children living in poverty. The *Tribune* catastrophized that these mothers, in turn, used crack at disproportionate rates: “There’s growing evidence, too, that many poor, young mothers are involved with drugs. While heroin is an addiction affecting mostly men, crack is popular among women. As a result, many single-parent households have, in effect, no parents at all. Experts say that the impact on children is devastating.” Among the consequences, Education Secretary Lauro Cavazos claimed that these children had “extremely low self-esteem” and “never really develop” making them “susceptible to peer pressures” such as petty theft and drug dealing. Steve Berg, “Bennett’s first target: D.C.’s drug nightmare,” *Star Tribune*, Apr. 16, 1989: 1A.

inhabited by blacks in the north side of Minneapolis. Authorities further claimed that the primary caregivers of 73 percent of children living in crack houses were single women, giving further shape to the public perception that black women were unfit mothers.<sup>20</sup> In fact, McEnroe focused his exposé mostly on single black mothers on crack.

McEnroe's story opens with a highly-militarized drug raid by the city's SWAT team, machine guns and all, on a crack house in north Minneapolis housing a single black mother and her children. McEnroe narrates that one of her sons "snitches" on his mother by disclosing to the SWAT team the whereabouts of the drugs, cash, and guns, much to verbal chagrin of the young boy's mother. Harkening back to a white savior narrative, one of the raiding police officers informs the young boy that he is being sent to a group home because he does not deserve to live under such squalor (Figure 6.3). McEnroe describes that the young boy merely plays around with a red plastic assault rifle as his mother lays by in handcuffs—the unspoken assumption being here that the young boy will eventually grow up to be a gang member, thus perpetuating the cycle of despair. Since McEnroe focused on single black mothers on crack, his story contributed to stirring up panic surrounding the notion of "crack babies."

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<sup>20</sup> According to statistics cited by McEnroe, of the 668 children reportedly living in crack houses, 72 percent were black, 16 percent were white, 8 percent were American Indian, and 4 percent were "Other/Unknown." Of the total children, 14 percent were under one, 23 percent were 1-2 years, 24 percent were 3-5 years, 30 percent were 6-12 years, 6 percent were 13-28 years, and 3 percent were unknown. Paul McEnroe, "Violence, despair tarnish hope for new generation," *Star Tribune*, Feb. 11, 1990.



**Figure 6.3: This is an original image accompanying McEnroe's exposé on drug raids in north Minneapolis. The original caption to this photo reads: "Anita comforts Nicole (holding Shenise) after a drug raid. Anita's son, Vegas, 8, said he was embarrassed by his mother's use of crack. Police search the apartment for an hour after being told cocaine had been cooked down into crack there the night before. But no crack was found and no one was arrested."**

The media-orchestrated "crack epidemic" of the 1980s contributed to poor, black women being disproportionately charged for giving birth to infants who tested positive for drugs. According to McEnroe, an average of 25 babies a month in 1990 in Hennepin County had tested positive for crack cocaine, this in comparison to an average of six babies at the start of 1989.<sup>21</sup> At Hennepin County Medical Center, the director of "high risk" obstetrics even compared the crisis of crack babies to the plagues of the Middle Ages. McEnroe further reinforced stereotypes that devalued black motherhood when he

<sup>21</sup> During the first 11 months of 1988, the Hennepin County Medical Center reported that 122 newborns had tested positive for cocaine. Kay Miller, "Let's not forget the children," *Star Tribune*, Jan. 15, 1989: 7SM.

offered the case of a teenage single black mother addicted to crack. In the spring of 1989, the mother had given birth to a daughter weighing three pounds and testing positive for cocaine. After the mother admitted to abusing alcohol, marijuana, and cocaine during her pregnancy, the newborn was placed in foster care while the mother underwent treatment. In late summer of 1989, upon completion of inpatient treatment, child and family care services returned the daughter to the mother. Several months later, however, the mother relapsed. During a raid at the “crack house” in which she lived with her daughter, police officers reported the following:

We observed 8-month-old diaperless on a bare mattress...Refrigerator was completely empty with exception to some moldy noodle-type material...Officers observed in plain view on the dining table a homemade ‘Josie’ crack pipe. Sitting next to this Josie was a razor blade...In the immediate area of this Josie, I discovered a letter addressed to [the mother] regarding recent release of her 8-month-old daughter by Child Protection concerning ongoing child neglect/abuse...We made special effort to check on the welfare of the child, discovering that mother had no means of accessing food, baby’s clothing messed and in a scattered pile.

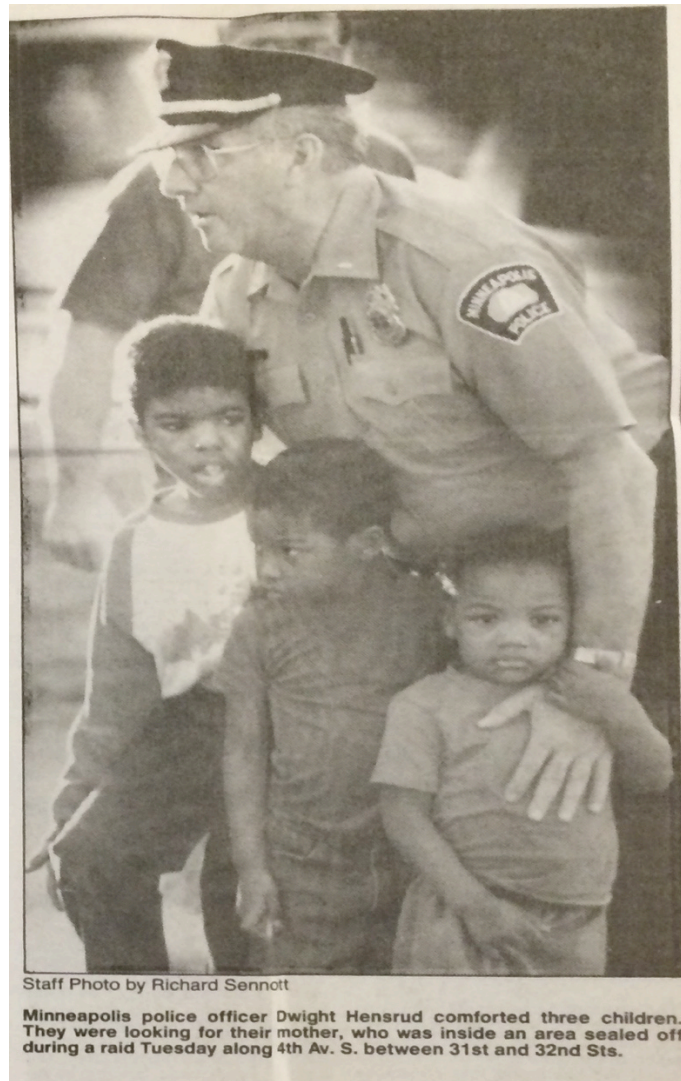
The raiding police officers described the mother as being “extremely emaciated with bulging eyes and sunken cheeks, consistent with that of hardcore cocaine users.” But, their observations also focused on the unhygienic living conditions of the mother and her children. Authorities suggested that the unsanitary behaviors of poor, families of color helped spread not only disease, but cultural pathology as well. McEnroe’s narration of this young black mother addicted to crack cocaine traces the source of urban blight to the

deplorable living conditions of the racialized poor—a manifestation of their personal habits and cultural proclivities. His analysis also relieves the reader of any empathy towards the mother, ensuring application of even harsher policing mechanisms.

Throughout the story, McEnroe depicts single black mothers addicted to crack as irresponsible, one-dimensional cardboard villains. There is hardly any such focus on rehabilitation and the voices of these mothers are ostensibly excluded. Instead, police officers and service care workers do all the speaking for these mothers.<sup>22</sup> Through these rhetorical and stylistic devices, McEnroe demonizes the homes of single black mothers—“crack houses”—as deviant and devoid of the moral tutelage necessary to protect black children from gang affiliation. McEnroe’s emphasis on protecting young black children from harm illustrates how the war on drugs empowered law enforcement agents and service care workers to more thoroughly intervene into the lives of pregnant black women, denying them any semblance of privacy (Figure 6.4). By characterizing “crack babies” as a largely black phenomenon, media, health authorities, civic leaders, and law enforcement officials branded black women “unfit” mothers. Crack babies became emblematic of the dangerous aspects of black urban migration and the particular health crises engendered by the African-American community in north Minneapolis.

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<sup>22</sup> McEnroe interviewed Mike Fisher, the head of the narcotics unit, who claimed that for “a \$20 hit, that crack parent forgets about everything and the kids mean nothing.” Another raiding police officer described to McEnroe that these “crack houses” reminded him of fighting in Vietnam: “Ninety degrees, cockroaches, and garbage. Every time we come into one of these places it reminds me of losing a war. The kids never go away.” McEnroe described Fisher and other raiding police officers as “cowboys of the narcotics unit” who destroyed everything in sight. While he demonized black mothers, McEnroe celebrated white male police officers as the saviors of the innocent victims of the crack epidemic: black children. A majority of the photographs included in this exposé are quite reflective of this dynamic. They feature white male police officers comforting and hugging young black children as their crack-addicted parents hover over in handcuffs. McEnroe, “Violence, despair tarnish hope for new generation.”



**Figure 6.4: Images such as the above one which accompanied McEnroe's exposé on drug raids in north Minneapolis celebrated the actions of white, male police officers as the saviors of poor, black children. Images such as these served to re-inscribe white masculinity as hegemonic at a moment in time when overt allegiances to white supremacy was challenged by courts and capitalism. The original caption reads: "Minneapolis police officer Dwight Hensrud comforted three children. They were looking for their mother, who was inside an area sealed off during a drug raid on Tuesday along 4<sup>th</sup> Av. S. between 31<sup>st</sup> and 32<sup>nd</sup> Sts."**

Media images, such as those generated by McEnroe, disparaged black women as unfit mothers and further contributed to the historical devaluation of black motherhood. These images also validated government policies that intruded into the private lives of poor, black families. As legal scholar Dorothy Roberts claims, poor, black women were the most directly impacted by the criminal prosecution of drug-addicted mothers of the

1980s. Discussions of drug abuse during pregnancy exceedingly took place within the demonization of black culture and black spaces. The disproportionate prosecution of drug-addicted black mothers in essence punished these women for their reproductive choices. Despite the state's alleged commitment to caring for young black children, Roberts reminds us that women of color are the least likely to access appropriate prenatal care, the most vulnerable to government monitoring, and the least likely to comply with a white, middle-class standard of motherhood. Poor, black women are also more likely to experience the full force of prosecutions because they are in closer contact with government agencies. They maintain connections with public hospitals, welfare agencies, and probation officers. Due to the racist perceptions of health care and service care workers, their drug use is more likely to be detected and reported to law enforcement authorities.<sup>23</sup> Ironically enough, the prosecution of drug-addicted mothers often dissuades *other* pregnant women from soliciting health services, if any are available, since these women suspect they might be turned over to government authorities and charged with a crime. Although infants born to drug-addicted mothers may experience a number of behavioral, developmental, and medical problems associated with the mother's substance abuse, Roberts points out that "the interpretation of cocaine-exposed infants is often

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<sup>23</sup> According to Hennepin County Child Protection Services, there were more than twice as many petitions filed for emergency services or temporary removal of children living in crack houses in 1989 than in 1988. In 1988, 215 petitions were filed. In 1989, through the end of November, 453 petitions had been filed. Yet McEnroe emphasized that only two cases in 1989 resulted in criminal charges. Officers in the Family Violence Division of the Minneapolis Police Department told McEnroe that they were too swamped with domestic and sexual abuse cases to investigate child endangerment and neglect reports, even when children were identified to harbor drugs in their systems. From October 1, 1988, to December 1, 1989, child protection workers had identified 672 children as living in homes where crack was used. McEnroe lamented that only 140 of them had received ongoing services. The rest of the cases were closed. Sgt. Jim Murphy told McEnroe that he and his officers were frustrated with the system. He and others reported cases of children testing positive for crack cocaine yet no charges were ever brought. Murphy declared, "I wouldn't let my dogs live like the way these children are treated and yet the system isn't doing anything to punish the people who allow it to happen." McEnroe, "Violence, despair tarnish hope for new generation."

clouded by the presence of other fetal risk factors, such as the mother's use of additional drugs, cigarettes, and alcohol and her socioeconomic status."<sup>24</sup> Poor, black mothers addicted to crack give birth to babies in a social context of material inequality—factors that may also impact the health of the newborn. By solely focusing on the “irresponsible” actions of mothers, nonetheless, the state divests itself from “the burden of creating a health care system that ensures healthy babies for all its citizens.”<sup>25</sup>

One of the main contentions of media accounts like McEnroe's and the warnings of policymakers is that the despair of drug use would carry over into the next generation unless immediate measures were taken to ameliorate the situation. Policymakers warned that “[t]ens of millions of taxpayers' dollars will be spent caring for those abused children who become slow learners in school, who won't be able to hold jobs because of social adjustment problems, and who end up in overcrowded prisons.”<sup>26</sup> To corroborate these claims, McEnroe interviewed a local psychologist who studied emotional and physical abuse of children. The psychologist stipulated that because children living in “crack cocaine families” would come to develop “severe psychopathologies,” they would “run the gamut of criminal behavior. Many will be mentally ill. The possibility of them becoming drug users to deal with the emotional and physical neglect they suffered from their addicted parents is great.” Similarly, the assistant county attorney for community services, the person who determined which children were removed from their homes after being exposed to drugs, told McEnroe that unless more punitive measures were taken, “these damaged children will grow up to make the same choices as their parents.” He

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<sup>24</sup> Dorothy E. Roberts, “Punishing Drug Addicts Who Have Babies: Women of Color, Equality, and the Right of Privacy,” *Harvard Law Review* 104, no. 7 (1991): 1430.

<sup>25</sup> *Ibid.*, 1436.

<sup>26</sup> Paul McEnroe, “The system is fighting a losing battle,” *Star Tribune*, Jul. 23, 1989: 1A.



catastrophized, “What you see now on the street and in the crack homes will look like Halloween pranks compared to the problems these kids will bring to the police when they grow up.”<sup>27</sup> The commentary by these experts and policymakers reveals that many in positions of power believed that the “cycle of poverty” would persist unless more punitive measures were enacted. By citing these experts and policymakers, McEnroe’s objective is to substantiate his argument—not that the system was failing drug-addicted parents, but rather that the system required even harsher prosecution of drug-addicted parents. Social science scholarship disseminated theories of black and Latinx youth as inherently violent to reinforced the transformation of the criminal punishment system into an even more punitive mechanism. One of the most notorious of these theories was that by sociologist John J. DiIulio Jr. of “the superpredator,” or a category of juvenile criminals far deadlier than earlier groups because they were raised in a state of “moral poverty.”<sup>28</sup> The takeaway from McEnroe’s account, and other media accounts, was quite

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<sup>27</sup> In this same vein, Mayor Fraser warned of the drains on society that drug-exposed children would wreak. He told the *Star Tribune*, “By the year 2000, we will have seen pass through our elementary schools children who were born addicted to cocaine or who came from families in which drug abuse is an everyday fact of life. We cannot afford to guess about the severity of the outcomes.” The executive director of a local head start program agreed with Fraser’s apocalyptic assessment. She longed for a city that was untainted by the presence of crime, drugs, and gangs—metaphors for the presence of poor, black people. She told the *Star Tribune*, “It’s frightening. It’s frightening to me. I don’t think people understand what’s happened in our city. I can tell you, this isn’t the city it was 20 years ago. And if we don’t address the problems that are confronting the city immediately, this city is going to end up like other cities around the country. Like Washington, D.C., where they want to call in the National Guard because they can’t control the drugs. Or Los Angeles, where the kids have more guns than the police force...I don’t want that to happen to *my* beautiful city” (emphasis added). A sense of white injury permeates through the health start directors’ dire warnings. Kay Miller, “Let’s not forget the children,” *Star Tribune*, Jan. 15, 1989: 7SM.

<sup>28</sup> By the late 1980s, social scientists were once again providing conceptualizations of black and Latino youth as being innately violent. One of those social scientists was political scientist John J. DiIulio Jr., who in 1989, blamed the wretched living conditions of poor people of color in urban areas on “the large numbers of chronic and predatory street criminals.” He catastrophized the emergence of “the superpredator,” or a category of juvenile criminals far more dangerous than earlier groups because they were raised in a state of “moral poverty.” He explained that the “abject of moral poverty that creates superpredators begins very early in life in homes where unconditional love is nowhere but unmerciful abuse is common.” These youth, DiIulio deduced, were more prone to dangerous crime because they were surrounded by “deviant, delinquent, and criminal adults in abusive, violence-ridden, fatherless, Godless and

explicit: crime was increasing at an alarming rate—due to a lapse in gender, sexual, and domestic space norms—and the government *had* to intervene.

Policymakers primarily addressed racialized poverty through a punitive approach as part of the war on drugs. With the assistance of mass media, policymakers convinced the American public to embrace the expansion of the criminal punishment system as a solution to the problems of crime, drugs, and poverty. As media scholar Natalie P. Byfield notes, the American public upheld the symbolic framework generated by mainstream media, academics, and policymakers that linked race, crime, and deviations from gender and sexual norms to drug abuse. Even though people of all races use and sell illicit drugs at similar rates—if there are any differences, white youth are more likely to sell and use illicit drugs than people of color—people of color are more likely to be arrested and charged for drug dealing and use.<sup>29</sup> In spite of these marked differences in drug dealing and use by race, blacks were and remain disproportionately prosecuted for drug offenses. This punitive approach was perhaps most explicit in the disparate sentencing guidelines for crack cocaine possession. Since blacks and Latinx were

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jobless settings.” Though DiIulio’s hypothesis was farcical, it was influential nonetheless. He spoke before Congress and was often interviewed by the national media. His work, thus, had a profound effect on policies impacting black and Latino young males living in urban areas. As Byfield observes, DiIulio’s work shaped policy by contributing to state and federal authorities’ reliance on incarceration as a means of addressing crime. His theory reinforced the transformation of juvenile justice laws and endorsed the use of more austere law enforcement procedures including imprisonment in adult facilities by young offenders. Between 1992 and 1997, forty-four states enacted new laws on that allowed juveniles to be treated as adults in criminal court. Policy makers at the highest levels of government used DiIulio’s research and that of other criminologists that forged connections among race, crime, and deviations from gender and sexual norms as a rationale for the expansion of the criminal punishment system and the curtailment of social welfare provision. Byfield, *Savage Portrayals*.; John J. DiIulio Jr., “Moral Poverty: The Coming of the Super-predators Should Scare Us into Wanting to Get to the Root of Crime a Lot Faster,” *Chicago Tribune*, Dec. 15, 1995: 31.

<sup>29</sup> A 2000 study by the National Institute on Drug Abuse reported that white students used cocaine at seven times the rate of black students, used crack cocaine at eight times the rate of black students, and used heroin at seven times the rate of black students. Compared to their African American counterparts, white youth also experienced about three times the number of drug-related emergency room. See: Alexander, *The New Jim Crow*.

primarily understood as the users of crack cocaine, federal laws punished crack offenses one hundred times more severely than offenses involving powder cocaine.<sup>30</sup> These anticrime measures, developed as part of the war on drugs, exponentially increased the rate of incarceration in the United States, in particular among black and Latinx men and women. With only five percent of the world's population, the United States has the dubious distinction of housing 25 percent of the world's prison population.<sup>31</sup>

The war on drugs was a rousing success to the extent that it increased mass incarceration by mobilizing a punitive approach to crime, drug abuse, and poverty in the United States. While public housing budgets were being slashed, the war on drugs pumped disproportionately large amounts of funds to law enforcement as opposed to treatment.<sup>32</sup> Increased policing in the Twin Cities did not necessarily lower crime rates as

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<sup>30</sup> While someone convicted for the sale of five hundred grams of powder cocaine received a five-year mandatory sentence, it only took five grams of crack cocaine for someone to warrant the same sentence. In November of 1988, the Minnesota Court of Appeals upheld the constitutionality of a state law that encouraged prison terms for many small-time crack dealers convicted of their first criminal offense. Under the law, it only took three grams of crack possession to face heightened sentencing penalties. Hennepin County prosecutors defended the law as one of the most important weapons in what they deemed to be a weak arsenal of state laws they could use to primarily target crack dealers. These disparate and heightened sentencing guidelines illustrate how the war on drugs implemented a number of novel legal instruments to incarcerate many small-time drug offenders. Dan Oberdorfer, "Court upholds tough 'crack' prison terms," *Star Tribune*, Nov. 15, 1988.

<sup>31</sup> Black men are admitted to state prison on drug-related offenses at a rate that is more than thirteen times higher than white men. In the mid-1980s, when the war on drugs gained full steam, prison admissions for African-Americans skyrocketed, nearly quadrupling in three years, and then increasing in 2000 to a level more than 26 times the level in 1983. For Latinos, the number of 2000 drug admissions was 22 times the number of 1983 admissions. The number of whites admitted for drug offenses in 2000 was eight times the number admitted in 1983. Due to these disparate practices, by 2006, one in every 14 black men was behind bars, compared to one in every 106 white men. As a result of the war on drugs, the United States has the dubious distinction of being the world's largest incarcerator. The United States incarcerates more people than any other country in the world—both in terms of capita and actual people behind bars. From 1970 to 2005, the U.S. prison population rose by 700 percent, culminating in more than one in 100 American adults being behind bars. This rate far outpaces that of the general population growth of 44 percent and the rate of crime. Today, there are more people behind bars for nonviolent drug offenses than were incarcerated for all crimes, violent or otherwise in 1970. To return to the nation's incarceration rates of 1970, one out of every five currently held prisoners would have to be released. See: Alexander, *The New Jim Crow*.

<sup>32</sup> In September of 1988, the City Council of Minneapolis voted unanimously to bolster the city's police force with 72 new officers by the end of 1990, boosting its size by nearly 10 percent to 794 officers and costing the city \$1.9 million. In explaining his endorsement of the expansion of the Minneapolis Police

much as it generated a number of complaints by people of color of police brutality.<sup>33</sup>

However, if the goal was to bring stability to inner-city neighborhoods as many

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Department, City Council Member Walter Dziedzic, who represented the predominantly-white and wealthy First Ward of the city, told the *Star Tribune*: “I was born in this town. I’ve lived in this town all my life. I was educated here, and I expect to die here. I’ll be damned if I’m going to surrender this town to the rapists, muggers and robbers without a fight.” White injury framed the expansion of the city’s policing and surveillance mechanisms. For instance, the City Council of Minneapolis demanded more police officers in downtown Minneapolis as a result of a series of supposed bias-related crimes. In late October of 1989, four white men were allegedly assaulted in downtown Minneapolis by a group of black youth in what police were treating as racially-motivated attacks. Several of the victims were reportedly hospitalized with face and head injuries after the attacks which included racial slurs such as “honky” and “white trash.” According to a study conducted by the Crime Control Institute on police calls in Minneapolis, the shopping and entertainment district known as City Center in downtown had logged 529 calls for police assistance in the first nine months of 1989. Seven percent of those calls were for assaults while 62 percent were for thefts. Through September, the department had logged 52 bias crime reports, with 70 percent of reports indicating alleged racially motivated crime committed by black men against white men. That a vast majority of bias crime reports were documented against white men is reflective of the perception of white injury permeating the cultural fabric of Minneapolis at the time. As a result of these so-called hate crimes against white men, the number of police officers walking downtown beats doubled. Although crime in the city was actually down, white injury was enough to warrant the expansion of the police force. Police Chief Bouza discounted the need for more police officers since crime had decreased. He insisted that serious crime in the city peaked in 1981 with a dramatic decline from 1982 to 1984, only to rise from December 1984 to December 1987. However, as Bouza told the *Star Tribune*, the city’s crime rate declined during the first seven months of the year. This is not to suggest that Bouza was immune to the hoopla for more “law and order.” Bouza’s strategy to fight crime consisting of making more arrests. He boasted that in 1987, for the first time in the city’s history, Minneapolis police had made over 8,000 arrests from street crimes including rape, murder, assault, burglary, and auto theft. (Central to the expansion of the criminal punishment system were enhanced sentencing procedures for repeat crime offenders. Another component of increased policing consisted of incorporating marginalized communities in their own policing including the recruitment and retaining of minority officers.) Rob Hotakainen, “Council approves 72 new police officers,” *Star Tribune*, Sep. 3, 1988.; Mark Brunswick, “A new rash of beatings reported downtown,” *Star Tribune*, Oct. 26, 1989.; “7th Ward Candidates Spotlight DT Safety,” *Skyway News*, Nov. 2, 1989.; Jim Parsons, “Downtown patrol increased but not as much as businesses asked,” *Star Tribune*, Jul. 1, 1989.; Bruce Rubenstein, “Farewell to Arms,” *City Pages*, Nov. 16, 1988.; Dennis J. McGrath, “Seven top issues for Police Department in next three years,” *Star Tribune*, Aug. 22, 1988.; Mark Brunswick and Dennis J. McGrath, “New Minneapolis police strategy is to involve citizens,” *Star Tribune*, Aug. 22, 1989.

<sup>33</sup> By May of 1988, the police internal affairs unit of Minneapolis had received 105 complaints. The year before, that many complaints had been filed until August. In 1989, the Internal Affairs Unit had received 259 complaints containing 484 allegations of misconduct. The IAU had been plagued by charges of bias for years. The unit had sustained a remarkably low number of the complaints it received. Of nearly 300 excessive force complaints lodged between 1984 and 1986, only one was ever sustained. Relations between the Minneapolis Police Department and the African-American community reached a boiling point in the winter of 1989 after several incidents triggered an avalanche of complaints and protests over racism and police brutality. One case involved the death of an elderly black couple trapped in a fire during a botched crack raid in north Minneapolis. The fire was ignited by police after a stun grenade designed to temporarily disorient subjects started a fire. The other event that triggered a community demand for police reform involved an altercation between police and a group of black partygoers at a downtown Minneapolis hotel in which the latter group reported they were harassed and beaten by police. At several community meetings hosted in the wake of these events, black residents voiced their anger, frustration, and fear over what they deemed was a racist, brutal police force. Black residents reported being harassed at all hours of the day, of being violently harassed by police and of being intimidated, and of living in constant fear. As a result of

policymakers purported, then the war on drugs was a failure of epic proportions. As Alexander proposes, mass incarceration increases—not decreases—the likelihood of violence in inner-city neighborhoods because it creates a new “racial undercaste.” Because the war on drugs is designed to target small-time street level drug dealers and offenders, the majority of those swept into the nation’s new undercaste are black and Latinx men and women. Once those arrested for drug possession are incarcerated, they are further punished through a series of civil penalties that dwindle their chances of transitioning back to “normalcy.”<sup>34</sup> As a result of these post-conviction penalties, many of these Americans revert back to the informal economy, perpetuating the same cycle of poverty, crime, and drug abuse that policymakers so adamantly insisted the war on drugs would remedy. For this reason, urban sociologist Loic Wacquant argues that the mass incarceration of African-Americans reflects one of the four “peculiar institutions” that

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grassroots community activism, the City Council of Minneapolis implemented a civilian review board to investigate complaints against police officers, including charges of excessive force, harassment, discrimination, inappropriate language, and failure to provide adequate or timely police protection. The Minneapolis Police Department rejected the civilian review board, insisting that charges of racism were exaggerated. Police officers argued that any form of increased scrutiny would render it more difficult to perform their duties by undermining police confidence, especially in the wake of street gangs, crime, and crack cocaine. During the vote for the Civilian Review Board by the City Council, about 150 uniformed police officers jammed the council chambers in City Hall, wearing pins that read: “Cops or Crack: Your Choice.” Mark Brunswick, “Minneapolis police may not be attracting best qualified recruits,” *Star Tribune*, May 21, 1989.; Meleah Maynard, “Civilian Review: Now the Bad News,” *City Pages*, Jan. 31, 1990.; Eben Shapiro, “With Bouza gone, is brutality back?” *Twin Cities Reader*, Mar. 08-14, 1989.; Wendy S. Tai, “Black community galvanized in its anger at police,” *Star Tribune*, Feb. 12, 1989. Kevin Diaz and Rosalind Bentley, “Civilian review of police is urged,” *Star Tribune*, Sep. 14, 1989.; “Police review plan is a good one,” *Star Tribune*, Jan. 20, 1990.

<sup>34</sup> As part of the war on drugs, Americans with felony convictions are subject to employment and voting bars. They also experience a ban on the receipt of cash assistance and food stamps, denial of federal financial aid for postsecondary education, and public housing assistance. These Americans are also prohibited from serving as foster or adoptive parents—a significant exclusion for those wishing to be act as legal guardians for the children of family relatives. Due to these post-conviction penalties, those who return to their communities of origin after prison often confront social and economic destitution. In particular, Native American and African American women and Latinas are extremely susceptible to poverty before and after prison. In 1997, 65 percent of white men, 48 percent of African American men, and 57 percent of Latinos were employed full-time in the month prior to their arrests compared to 47 percent of white women, 36 percent of African American women, and 30 percent of Latinas. Patricia Allard, “Crime, Punishment, and Economic Violence,” in *Color of Violence: The INCITE! Anthology*, ed. INCITE! (Durham, North Carolina: Duke University Press, 2016).

have confined blacks over the course of American history, the other peculiar institutions being slavery, Jim Crow segregation, and the fabrication of urban ghettos.<sup>35</sup> According to Wacquant's logic then, the War on Drugs does not signal a discrete "moral panic" as much as it confirms a continuation of the hyper marginalization inflicted upon a group of people whose race, class, gender, and sexuality are held as symbols of their deviance.

The war on drugs epitomizes the ways policymakers envisioned remedying the gender and sexual non-normativity of the racial underclass. On the one hand, new jails and prisons, police task forces, and new policies that linked drug use with the denial of social services were necessary. On the other hand, since the breakdown of the African-American family unit was cited as the primary culprit in shaping the black social experience, the restoration of heteronormative relations through domestic and private housing arrangements was conceived as a viable option. With this in mind, a number of policies and campaigns orchestrated to "Americanize" black men, women, and children into racialized norms of sexual hygiene proliferated. All these campaigns and programs shared in common the notion that both the origins of urban blight and, by extension, its solution lay in norms of gender, sexuality, and domestic space as enacted by single mothers of color. Ameliorating the phenomenon of crack babies among the racialized poor demanded comprehensive urban reform, an approach many in positions of power were unwilling to take. Americanization programs, since they focused on modifying individual behavior, were less threatening to the economic and racial status quo.

The few social service programs that existed in the 1980s in north Minneapolis for poor, families of color imposed upon their participants a white, middle-class

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<sup>35</sup> Loic Wacquant, "The new 'peculiar institution': On the prison as surrogate ghetto," *Theoretical Criminology* 4, no. 3 (2000): 377-89.

approximation of gender and sexuality. Social reformers understood the material conditions of the racialized poor as a product of their perceived personal shortcomings and maladaptive cultural structures. According to this logic, fatherless black children enlisted in street gangs as a refuge from their “broken homes” while young black girls birthed many babies by the lure of a welfare check. Americanization programs of the 1980s, disguised under the banner of “social services,” did little, if anything, to unravel social structures that preserved material inequality. Instead, they focused on modifying the gender and sexual identities and practices of the racialized poor by promoting an ethos of “personal responsibility.”<sup>36</sup> As George Sánchez argues in his discussion of public health in Los Angeles at the turn of the twentieth century, Americanization programs, in promoting diet, health, and sexual hygiene, were envisioned with the objective that “the influence of the home would extend to the public sphere.”<sup>37</sup> By

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<sup>36</sup> One of the earliest of these programs was a 1986 program conceived by the Minneapolis Housing Authority that converted four apartments in the Sumner-Olson housing project into a center that provided education and health programs, child care and other services designed to help participants achieve “self-sufficiency.” The Family Learning Center, as the program was called, was designed to bring services, including prenatal care, to the neighborhood instead of having a resident travel to another neighborhood. According to the president of the Sumner-Olson resident council, Louise James, “We need that kind of service out here in this area. We have a lot of young mothers out here who don’t have GEDs, who need jobs, who don’t know how to take care of their children.” Among the free services available included an Early Childhood and Family education program, a GED program for adults to earn high school certificates, an English as a Second Language program for more than 150 Southeast Asian families living in the area, employment assistance and health care, including a prenatal program. According to Jon Gutzman, public housing director, “These are the kinds of programs that would enable tenants to improve their own lives, to make progress toward becoming self-sufficient.” Dennis J. McGrath, “City plans to open self-help center,” *Star Tribune*, Jan. 16, 1986.

<sup>37</sup> In *Becoming Mexican American*, historian George Sánchez examines the myriad of Americanization programs implemented by social reformers at the turn of the twentieth century in California to assimilate Mexican immigrants into American norms of industry, health, and hygiene. Social reformers centered their efforts on the private home of Mexicans since they believed that Mexican women possessed significant clout over their children and husbands. Reformers hoped “the influence of the home would extend to the public sphere.” But, as Sánchez notes, these programs were not necessarily designed to ameliorate the unequal distribution of resources. Quite the opposite, by teaching Mexican immigrants to be dependable and obedient workers as part of the agricultural and industrial economy of the U.S. Southwest, these programs were intended to transform Mexican immigrants and their children into second-class American citizens. George Sánchez, *Becoming Mexican American: Ethnicity, Culture, and Identity in Chicano Los Angeles, 1900-1945* (Oxford: Oxford University Press, 1995), 59.

focusing on gender and sexuality, these programs actually justified the further retrenchment of the state in the dispersal of welfare. Inasmuch as these programs buoyed discourses of personal responsibility, they abstracted the role of neoliberalism in the production of material inequality. This abstraction, in turn, rendered it possible to center gender deviance and sexual non-normativity as the agents of urban blight. And yet, under the pretense of protecting children from the supposed harms associated with single-parent households, these Americanization programs warranted greater state intervention into the lives of black women, undermining the notion of individual agency. Although these programs further devalued black motherhood—they cast black mothers as responsible for the problems afflicting black families—these Americanizing efforts simultaneously valorized them as the solutions to largely structural problems.

The biggest of these programs in the Twin Cities materialized in 1989 by then-mayor of Minneapolis, Don Fraser. In his state of the city address, Fraser called for a stepped-up war against drugs and crime in the city, saying that “crack,” random violence, and more “openly defying gang activity” had all contributed significantly to a growing sense of fear in the city. He promised that drug dealers had “no place in *our* city. We will search out and meet them wherever they do their evil business. We will wring our city dry of their influence” (emphasis added). There would be “no higher priority for the city than strengthening our crime and drug strategy.”<sup>38</sup> Although Fraser exclaimed that attacking drug-related crime was of the utmost importance to restore a moral order, he offered solutions that only indirectly addressed “law and order.” More precisely, Fraser promoted approaches that focused on imposing heteronormativity—with an emphasis on

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<sup>38</sup> Rob Hotakainen, “Fraser’s speech urges city to step up battle against drugs, crime,” *Star Tribune*, Jan. 31, 1990.



diet, health, and sexual hygiene—on poor, black families. In that same state of the city address, Fraser recounted that 31 percent of children in public schools came from “welfare-dependent families.” He further substantiated his position by lamenting that 36 percent of all live births in the city were to single women—a 94 percent increase in out-of-wedlock births since 1970. He then connected these out-of-wedlock births to the doubling of the welfare caseload in some inner-city tracts between 1982 and 1986.<sup>39</sup> Not only would this growing number of single-mothers and ill-health children breed crime, he suggested it would also negatively impact the city’s ability to have enough skilled, productive employees. Fraser framed black families as parasitic for allegedly living off taxpayers’ hard work. Due to the economic threat that such gender deviance and sexual non-normativity posed for the city’s interests, Fraser partnered with private corporations to determine the best course of action for pacifying the racial underclass.

To address the long-term effects of the racial underclass in the Twin Cities, Fraser teamed up with the Committee for Economic Development (CED), an organization composed of 225 of the nation’s top corporate executives and college presidents. A major focus of the CED was determining the associated costs of the racial underclass on the American economy. The CED had conducted a national study, “Children in Need: Investment Strategies for the Educationally Disadvantaged.” The study concluded that the United States was creating a permanent underclass of young people—who could not hold jobs because they were illiterate and lacked work habits— for whom poverty and

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<sup>39</sup> Fraser also disclosed that the city’s health department had estimated that out the 6,500 children born in Minneapolis every year, 30 percent were “at risk” of school failure due to low birth weight, others because they were born to teenage mothers, and still others because their homes were dominated by drugs. In 1986, because only 43 percent of pregnant women from such low-income areas in the city had adequate prenatal care, the percentage of newborns under 5.5 pounds rose from 6.8 percent to 8 percent; for black families, that number reached 14 percent. Kay Miller, “Let’s not forget the children,” *Star Tribune*, Jan. 15, 1989: 7SM.

despair were a given. The study reported that youth could not attain the living standard of most (white) Americans because they were “trapped in a web of dependency and failure.” The CED’s study warned that each year’s class of high school dropouts would cost the nation more than \$240 billion in lost earnings and foregone taxes with millions more going to crime control, welfare, health care, and other social services.<sup>40</sup>

To prevent such an economic and social drain on the state of Minnesota, the Chief Executive Officer of CED, Jim Reiner, who was also the chairman of Honeywell Corporation and a white resident of the state, helped establish the program, Success 6. A committee of community members from hospitals, corporate boards, the Minnesota Legislature, unions, management, and nonprofit organizations assisted Reiner. Together, they designed Success 6 as a program that offered poor, families of color with the resources necessary to ensure that every child by age six would have health, skills, and “confidence” necessary to compete in school. During the design process, committee members visited the infamous Robert Taylor Homes in Chicago to gather ideas of how city officials there were managing their poor.<sup>41</sup> Reiner expressed shock to the *Star Tribune* that “the average age of the renter there was 18, and many already had three kids-single-parent families and 30,000 people living there in six high-rises. Unbelievable! And you think that can't happen [in the Twin Cities]? You betcha it can happen here—if

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<sup>40</sup> The CED report concluded with ominous warnings: “If present trends continue without corrective actions, American business will confront a severe employment crisis. This scarcity of well-educated and well-qualified people in the work force will seriously damage this country's competitive position in an increasingly challenging global marketplace. Current projections point to a serious labor shortage in only a few years. By 1990, the impact of new technologies is expected to drive total private-sector demand for employment to 156.6 million jobs, nearly twice that in 1978. If these estimates are only close to the mark, there will be a shortage of over 23 million Americans willing and able to work.” Ibid.

<sup>41</sup> In describing the Robert Taylor Homes, the *Star Tribune* stated, “Windows of the blighted red-brick towers were covered with bars and accordion-type grates. Stairwells were dirty and smelled of urine. Unemployed men were scattered outside amid the broken glass.” Ibid.

it's not addressed!" The committee, "sickened by the extreme deprivation in the Chicago housing projects," returned to the Twin Cities determined to "attack poverty here at its roots" before it reached those "levels of desperation."<sup>42</sup>

Reiner and Fraser looked closely at one of the programs offered to tenants of the Robert Taylor Homes. The Beethoven Project taught mothers parenting skills and the importance of a basic education for themselves and their children.<sup>43</sup> The program served free lunchtime meals during which parents learned about nutrition and which foods were "appropriate" for their children's ages. Inspired by the Beethoven Project, Reiner and Fraser implemented their own early-childhood development intervention program, Way to Grow. Like the Beethoven Project, the Way to Grow program offered home visits to pregnant mothers. The program was originated to help would-be mothers secure early-childhood development services for their children so that they would be well prepared for school. The program sought to screen children as early as possible, treating neurological or psychological "damage" by helping parents provide "cognitively stimulating home environments." Although the program's goals were laudable, the program proceeded from a developmental narrative that cast poor, families of color as being simply not "civilized" enough to care for their children. Fraser conveyed this sentiment when he explained the rationale for such a program to the press: "Let us resolve to intervene early enough to make a difference."<sup>44</sup> Reiner defended early intervention out of a belief that by the time children were three-years-old and, thus, eligible for any sort of early childhood

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<sup>42</sup> Ibid.

<sup>43</sup> Housed in one of the high-rises of the Robert Taylor Homes, the Beethoven Project had "clean and white" walls. "Floors are covered with colorful carpeting. Pictures of children and informational posters decorate the walls. If you can read, you can learn something here." Ibid.

<sup>44</sup> In a report outlining the program's rationale, the authors compared, "In most European countries, home visits are a routine service provided to all families of newborns. There is some evidence that initiating home visits before birth for high-risk families can be even more effective." Ibid.

development, much of their intellect, trust levels, and expectations for life had already been established. Way to Grow, and other similar Americanization programs, characterized poor, families of color, in general, and single mothers of color, in particular as posing a negative influence in the development of their own children.

Way to Grow and the Beethoven Project targeted black single mothers because they were premised as being the parties responsible for the transmission of values in the home. In short, women of color were both the cause and solution to social ills and pathology. Americanization programs, therefore, sought to transform familial habits in hopes of guiding black children away from a purported life of crime. Under such efforts, social reformers visited private homes to educate women and their children in matters relating to early childhood development, diet, and hygiene. Reformers believed that proper homemaking could lead to moral regeneration. In disseminating the message that a healthy diet and hygienic living conditions could deter black children from adult lives of crime, these campaigns interpreted black criminality as a culturally inherent formation. Home visits, cleanliness talks, and dietary regimens, thus, operated in the service of neoliberalism by evading state accountability for improving overall living conditions. Moreover, since corporate interests figured largely in these Americanization programs, training black single mothers in proper American homemaking skills was also contrived to nurture a living environment conducive to the production of docile workers in the neoliberal service-oriented economy of Minneapolis. As historian Natalia Molina writes in her discussion of Americanization programs targeting Mexican immigrants in California in the early twentieth century, “Disciplining bodies through health programs

was the first step to creating a strong workforce.”<sup>45</sup> The neoliberal revamping of Minneapolis expanded the service sector, creating a demand for cheap, exploitative labor.

Discourses of unfit black motherhood that demanded punitive measures did not only emanate from those in positions of power. Black community leaders also internalized these tropes and called for practices of “personal responsibility,” as well as the restoration of racialized norms of sexual hygiene. Geraldine Carter, an African-American woman from north Minneapolis who worked her way through a PhD, founded the Survival Skills Institute as a non-profit organization that provided a wide range of educational and support programs for “high-risk” black children and their families in north Minneapolis, many of whom were characterized as living in crack houses. Known as the “Joan Arc of the Ghetto,” Carter had worked in the educational system before establishing the Institute in a run-down house near the Sumner Field public housing project. In the midst of massive budget cuts to social services, the Institute provided a desperately needed social safety net for poor, black families.<sup>46</sup> However, many of the Institute’s programs were designed to convince single mothers of color of the virtues of domesticity, intimacy, privacy, and respectability.

One of the more noteworthy programs offered at the Institute to empower and strengthen poor, black families was ACTION, which stressed “independent” living, parenting skills, and employability for single mothers of color. Like the Beethoven Project and Way to Grow, some of the program’s lesson plans consisted of teaching mothers how to make low-cost meals in less than an hour with government food

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<sup>45</sup> Natalia Molina, *Fit to be Citizens: Public Health and Race in Los Angeles, 1879-1939* (Berkeley, CA: University of California Press, 2006), 78.

<sup>46</sup> Between 1980 and 1987, the Institute had served 1,806 families in north Minneapolis.

commodities. Other programs that the Institute hosted to address the growing problems associated with a racial underclass included a teenage mothers program, a youth leadership development-readiness program for junior high school youth, and a child abuse-neglect intervention program for crack-addicted mothers.<sup>47</sup> The Institute was so prominent in community affairs that the Minneapolis Housing Authority even contracted it to develop a course for public housing tenants whose housekeeping was so “poor” that they risked being evicted from their units.

A major limiting factor of the services offered through the Survival Skills Institute is that they all centered on the rescue of poor, black children through the regulation and punishment of their culturally “unfit” mothers.<sup>48</sup> The Institute reinforced dominant notions of who was and was not “fit” to be a parent. Carter was adamantly explicit that the message of all these programs was “positive reinforcement,” albeit through a narrative of personal responsibility. For Carter, drug abuse and welfare dependency presented a real threat to an agenda of racial uplift since these practices were destructive

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<sup>47</sup> The child abuse-neglect intervention program was closely linked to efforts by the institute to wean mothers off crack. Carter described crack as an unprecedented phenomenon that removed “the maternal instinct from a mother than the children don’t matter.” Carter described how these “children from crack houses” came in as “angry little children who grab and choke another child until their victim becomes limp.” She detailed how these children manipulated toy airplanes into makeshift guns. These children could not cooperate with one another, did not feel guilty, and could not express remorse. Similar to police officers, she predicted a crisis of epic proportions once these “little ones with learning disabilities and psychological damage hit the public schools.” Carter compared the plight of these children to that experienced by children removed from their homes in times of slavery. She explained, “These black children are victims as if they were living in the days of slavery when families were ripped apart. With slavery, another slaves would pick up the child if the blood mother was sold away. There is no extended family stepping in to raise and love that child as if it was their own.” Carter had no qualms about demanding greater punishment against crack-addicted parents. She declared, “We must have these parents facing consequences and we’re not getting that from the courts. If there is crack, there is neglect.” Paul McEnroe, “Violence, despair tarnish hope for new generation,” *Star Tribune*, Feb. 11, 1990.

<sup>48</sup> Speaking to the *Star Tribune*, a worker at the Survival Skills Institute described Carter as taking “mothers with children who really don’t fit, who have had children and dropped out of school. She not only helps them continue their education, but helps them deal with parenting issues. Without that kind of help, the children are going to be raised not knowing anything...If those young ladies don’t continue their education, we know that the mother and her offspring are going to end up on poverty row, dire poverty.” Ibid.

to family cohesion. Speaking in regards to her motivations, Carter told the *Star Tribune*, “What I really feel and have felt all along is I have something to offer young people, particularly young, black females: Your life is not over just because you have a baby.” Her goal of saving black children placed the onus of responsibility on individual mothers by attacking what Carter insisted were the underlying causes of child abuse and neglect: dysfunctional families, teenage pregnancy, illiteracy, “histories of failure,” lack of employment skills, low self-esteem, and overall despair.<sup>49</sup> With these factors in mind, the Institute offered free care to teenage mothers on the premise that they be enrolled in school and that they participate in parenting and sexuality classes that actively emphasized the use of birth control. Acknowledging that the Institute encouraged women *not* to have children, Carter told the *Tribune*, “We do encourage them to wait to become pregnant. And a lot of our girls do not. But that does not mean their life has ended because they have one child. And we particularly are trying to focus them in on waiting before they have any more.” Carter assumed that black women’s fertility alone accounted for the social ills associated with urban blight.

Carter explained to the *Star Tribune* that these “angry young women” who are “no longer interacting with the father of the child” had babies for a number of trivial reasons ranging from “I want somebody to love” to “I got mad at my momma.” As a community leader with clout, Carter’s beliefs were the more problematic because she used these narratives of unfit black mothers to vouch for the denial of welfare benefits on the grounds that welfare bred a culture of dependency. She recognized that although the

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<sup>49</sup> The *Star Tribune* described mother participants of the program as not knowing “how to touch their children in loving ways, simply because they have not experienced that as a child.” Kay Miller, “Surviving as mothers,” *Star Tribune*, Oct. 11, 1987: 12SM.

“welfare system will ensure that there’s food, clothing, and shelter for the babies,” mothers were not using it as a “stepping stone.” Instead, they were allegedly abusing the system. To substantiate her claims, Carter provided anecdotal evidence of witnessing five- and six-year-old children “out by themselves, poorly dressed” while their mothers rested at home. She compared these scenes to “street kids” in the Global South where apparently, parents did not monitor their children either. A reflective Carter asked the *Tribune* where the money was going: “We’re giving you money to stay home and take care of these kids, and they’re not being taken care of.”<sup>50</sup>

Community leaders like Carter heralded the private home as the most fundamental site for assimilation and racial uplift. However, Carter, like other community leaders, fretted that teenage pregnancy threatened black social membership. She hoped that in encouraging limited reproduction—by freeing women from the constraints of continuous childrearing—black women would experience new opportunities outside the home. But, because these efforts largely focused on modifying individual behavior at the expense of enacting large-scale structural change, the new possibilities afforded to black women outside the home were likely relegated to low-end, service-sector employment. In none of her speeches or campaigns did Carter or other community leaders offer critiques of the political economy of citizenship. Instead, Carter and others petitioned the state for the social membership of some of their constituents through the reification of gender, sexual, and domestic space norms. In so doing, they conflated citizenship and capital productivity with American standards of diet, health, and sexual hygiene.

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<sup>50</sup> Marian Wright Edelman, “Words that can make a difference,” *Michigan Citizen*, Jun. 01, 1991: 5.; Kay Miller, “Surviving as mothers,” *Star Tribune*, Oct. 11, 1987: 12SM.



The Way to Grow program and the Survival Skills Institute focused their efforts on single mothers of color, as both the source of and solution to urban blight. Policymakers believed that single mothers of color subscribed to gender, sexual, and domestic space practices that deprived their children of adequate parenting, which in turn led these children into drug-fueled street gangs. To offset the threat of unwanted births and alleged bad parenting, policymakers demanded Americanization programs to tutor single mothers of color into racialized norms of sexual hygiene, similar to the ones imposed upon white gay men through the anti-bathhouse and the anti-cruising ordinance. The targeting of women of color for the perceived cultural deficiencies of the racialized poor has a long and troubled history in the United States.

In *Fit to be Citizens*, historian Natalia Molina discusses the role that Mexican women played in efforts to curtail the perceived cultural and health threat posed by immigration to Los Angeles in the early 1900s. Molina shows that although Mexican women were considered “socially peripheral,” they were “symbolically central” to campaigns to Americanize Mexican immigrants.<sup>51</sup> In perceiving Mexican culture as backwards, health authorities concluded that Mexican cultural practices were antithetical to making Los Angeles into a modern city of pristine health. That is why, health authorities enacted Americanization programs—prenatal, birthing, and well-baby programs—in hopes that such assimilation would minimize the wider dangers Mexicans allegedly posed for economic and social progress. Health authorities purposefully directed their efforts on Mexican mothers since they were allegedly more malleable and influential within their families. Molina’s analysis helps us understand that

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<sup>51</sup> Natalia Molina, *Fit to be Citizens: Public Health and Race in Los Angeles, 1879-1939* (Berkeley, CA: University of California Press, 2006), 10.

Americanization programs have historically targeted single mothers of color because they are seen as allegedly exerting a significant influence within their families. And, by extension, women of color hold the key to making or breaking the economic and social success of cities as modern and progressive.

Scapegoating women of color as responsible for urban blight essentially displaces any focus on structural issues. The crowded and unsanitary living conditions of poor, families of color in north Minneapolis were the result of systemic failures exacerbated by shifts in the political economy of central cities spurred by neoliberalism, not ingrained cultural habits. The rationalization that the crowded and unsanitary environments of the racialized poor bred crime, drug abuse, and gang-related violence, contributed to a housing policy of deconcentration that essentially argued that the reform of housing conditions would improve the lot of poor, people of color in central cities throughout the United States. The *Hollman Consent Decree* and HOPE-VI program sought to redress a history of racial discrimination in housing policy not by distributing resources in a more equal fashion. Quite the opposite, the key to remedying material inequality for policymakers lay within the institutionalization of a framework that castigated poor, families of color for their perceived gender and sexual non-normativity, and that imposed upon them a discourse and practice of personal responsibility via racialized norms of sexual hygiene.

### ***The Hollman Consent Decree.***

The reality that a number of domestic arrangements and households thrived in the public housing projects of Sumner Field in north Minneapolis was evidence enough by health and housing authorities to confirm that poor, families of color upset the nuclear

family ideal and rendered obsolete the architectural layout of such structures. The varied roles of caretaking and parenting undertaken by extended family and kin networks made it difficult for housing authorities to demarcate familial arrangements. To make the racialized poor more legible for social control, housing authorities sought to assimilate poor, families of color into heteronormative community structures by imposing upon them a neoliberal reform of their housing conditions. Under this restructuring, housing authorities pitched single-family homes. A single-family home, with its multiple rooms and spaces for explicit purposes, created opportunities for conviviality.<sup>52</sup> At the same time, this design layout applied distinctions of private and public onto the built environment, in the process transforming the relationships and social dynamics of the racialized poor into a more readable script for dominant white society. This process confirms that housing is a crucial way of socializing the racialized poor into the norms and values of American citizenship. As the history of public housing evinces, with the proper architectural arrangement, racialized norms of sexual hygiene can be cultivated. We can, thus, treat the privatization of public housing in the 1990s as an attempt to render legible, readable, and, by extension, manageable the racialized poor for economic and political control under neoliberalism. Forasmuch as it focused on modifying the private home to exert a positive outcome in the public sphere, the privatization of public housing in the 1990s amounts to a large-scale social engineering Americanization program. Housing reformers surmised that inculcating in women of color the tenets of white heteronormativity would better their families lot in life. It did not. In diverting the structural causes of racialized poverty onto gender and sexual practices, the privatization

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<sup>52</sup> Phil Hubbard, *Cities and Sexualities* (New York: Routledge, 2012).

of public housing immunized the state from scrutiny for minimizing the life opportunities afforded to the racialized poor.

By the early 1990s, the north side of Minneapolis was socially isolated from the rest of the Twin Cities metro region. It was one of the most economically depressed areas in the entire state of Minnesota. Despite the postindustrial economy of Minneapolis expanding between the 1980s and 1990s, the gains of economic prosperity did not equally apply to everyone. From 1980 to 1990, the poverty rate in Minneapolis exploded by 46 percent, striking African-Americans particularly hard. The City of Minneapolis even admitted that at 27 percent the Twin Cities region in 1992 experienced the highest rate of African-American unemployment of any metropolitan area in the country.<sup>53</sup>

A large portion of that unemployment was concentrated to the city's north side where on a 73-acre parcel of land sat four public housing developments: Glenwood, Lyndale, Olson, and Sumner Field.<sup>54</sup> Built in the 1930s as part of a government effort to clear slums, address a housing shortage, and create construction jobs during the Great Depression, the early residents of these four developments were predominantly Jewish. By the 1990s, these developments had become largely black.<sup>55</sup> While the City of Minneapolis was 78 percent white, African-Americans and Hmong refugees comprised 96 percent of the population in these public housing developments.<sup>56</sup> The population was

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<sup>53</sup> Ciara Torres-Spelliscy, "Housing in the Heartland: An Examination of the Hollman v. Cisneros Consent Decree, the Politics of Racial Concentration and the Possibilities Offered by Democratic Experimentalism," *National Black Law Journal* 98 (2003): 98-123.

<sup>54</sup> As the first of the four government-built housing developments in Minneapolis, Sumner Field consisted of 44 two-story row houses and four three-story apartment buildings in a municipal park-like setting. *Ibid.*

<sup>55</sup> Sumner Field's most famous residents included the musician Prince Rogers Nelson. "Sumner Field Housing Project Collection." James K. Hosmer Special Collections Library. Hennepin County Library.

<sup>56</sup> Southeast Asian refugees comprised 70 percent of the four largest public housing buildings in St. Paul. Although estimates varied, as of 1987, Minnesota had received more than 30,000 Southeast Asian refugees. Kate Perry, "Housing outlook for Minnesota's poor is discouraging," *Star Tribune*, Feb. 25, 1988: 3B.

also relatively young compared to earlier inhabitants. More than 1,900 children, most of them hailing from low-income families headed by single mothers, called one of the four public housing developments home.<sup>57</sup> The four public housing developments were also witness to an acute concentration of poverty. The median household income on-site was one-third that of the city as a whole and more than 70 percent of households lived well below the federal poverty line.<sup>58</sup> All these factors contributed to the *Star Tribune* in characterizing the public housing developments as breeding grounds for cultural pathology.<sup>59</sup>

Admittedly, the housing developments were in blighted conditions, but not because of the perceived cultural pathology of residents. The blighted conditions emerged as a result of the systemic neglect of federal and local housing agencies and officials. Residents described the developments as experiencing a number of problems. The buildings themselves were crumbling and shifting since they were constructed atop boggy soil. Hidden within the walls of the buildings lurked a number of other problems not visible to the public eye. Residents complained of units with malfunctioning smoke detectors, peeling paint, growing mold on ceilings, sagging porches, roaming mice and roaches, and rusty water spewing from corroded faucets.<sup>60</sup> The blighted conditions of these four public housing developments confirmed for much of the general public that poor, families of color—particularly black single-mother households—were incapable of taking care of their living environments.

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<sup>57</sup> Dennis J. McGrath, “Fraser will seek special police patrol in housing projects,” *Star Tribune*, Dec. 8, 1986: 1A.

<sup>58</sup> Edward G. Goetz, *Clearing the Way: Deconcentrating the Poor in Urban America* (Washington, D.C.: Urban Institute Press, 2003).

<sup>59</sup> *Ibid.*

<sup>60</sup> Class Action Complaint at 1, *Hollman v. Cisneros* (1992) (No. CV4-92-712).

The deterioration of these four public housing developments, and others across the United States, must be understood in relation to the neoliberalization of urban policy. The withdrawal of social welfare provisions by the state was clearly encapsulated in the Omnibus Reconciliation Act of 1981. This act consisted of two major options. First, it granted cities greater autonomy over urban redevelopment through the unrestricted use of “block grants.” The other motion of the Omnibus Reconciliation Act prescribed the reduction of government spending on social programs. Whereas the government was once committed to the dispersal of social services, it was now the responsibility of the “free market” to disperse such social welfare. These alleged cost-cutting measures set in motion an array of dire consequences for the economically disenfranchised. After 35 years of steady increase, the number of Americans able to purchase a home decreased by 1.6 million between 1980 and 1987, a trend that was particularly noticeable among young families and first-time homebuyers. The Department of Housing and Urban Development was specially hit hard by these neoliberal shifts in federal policy. By 1987, the nation’s public housing budget was obliterated by 87 percent.<sup>61</sup>

The combined effects of unemployment and abject poverty produced an overwhelming demand for affordable housing for low-income populations across central

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<sup>61</sup> Administration officials contended that the federal housing program was merely more streamlined and efficient than ever. And yet, in spite of the massive budget cuts threatening the future of public housing, the Reagan administration continued to provide financial assistance to potential white homeowners. While reducing federal spending on subsidized public housing, the Reagan administration nurtured white homeownership via a federal housing policy of homeowner mortgage reduction. As major cities across the country experienced a surge in federally-sponsored home construction in the 1980s, these newly-built homes were not accessible to low-income populations since these federal subsidies were specifically targeted to middle- and upper-class households. The Reagan administration, thus, carried over from an earlier bygone era a two-tiered housing market divided along racial lines. See: George Lipsitz, *The Possessive Investment in Whiteness: How White People Profit From Identity Politics* (Philadelphia: Temple University Press, 1998).; Sudhir Venkatesh, *American Project: The Rise and Fall of a Modern Ghetto* (Cambridge, MA: Harvard University Press, 2000).

cities. By 1988, according to the National Housing Institute, there were about 800,000 families on waiting lists for 1.3 million federal public housing units already occupied.<sup>62</sup> In Chicago, despite the less than desirable physical conditions of high-rise public housing developments, the waiting list for public housing stretched far beyond the physical infrastructure owned and operated by the Chicago Housing Authority. In 1980, the waiting list for a subsidized apartment consisted of 13,323 people. By 1984, that number had skyrocketed to 24,000 people.<sup>63</sup> In Minneapolis, housing subsidies dropped from a peak of 4,000 to 5,000 units a year in the late 1970s to just 500 in 1983, despite a demand for 10,000 units.<sup>64</sup> The odds that poor Minnesotans would be able to secure decent, low-income housing decreased substantially with the beginning of the decade.<sup>65</sup>

In the face of this housing shortage, there was a growing demand for affordable housing in Minneapolis, particularly among renters.<sup>66</sup> While two out of three American households owned their own homes, families and individuals locked out of the housing market were forced into the rental market, where they drove prices up and decreased availability. Between 1980 and 1986, rents in the metropolitan area of Minneapolis increased by 66 percent so much so that a third of renters were spending more than 30

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<sup>62</sup> Nathaniel Sheppard Jr., "More people being priced out of the American dream," *Chicago Tribune*, Jul. 29, 1988: 1.

<sup>63</sup> Ibid.

<sup>64</sup> Over the years, the Minnesota Housing Finance Agency had helped underwrite 13,000 units of Section 8 housing. But due to the federal cutbacks of the 1980s, the agency had not done any Section 8 work from 1983 to 1986. Charles C. Whiting, "Housing officials worry that day of reckoning is here," *Star Tribune*, Aug. 17, 1986.

<sup>65</sup> According to a report by the State Planning Agency, several factors worked against the maintenance and expansion of low-income housing. Most were tied the loss of federal programs that supported housing for the poor. From 1974 to 1982, an average of more than 2,000 units of newly constructed rental housing were financed each year by the Minnesota Housing Finance Agency. However, as a result of the dwindling federal support for housing programs, from 1982 to 1986, that number dropped to fewer than 250 units a year. Kate Perry, "Housing outlook for Minnesota's poor is discouraging," *Star Tribune*, Feb. 25, 1988: 3B.

<sup>66</sup> In spite of the demand for affordable housing among renters, Minnesotans were overwhelmingly homeowners. In 1980, 72 percent of Minnesota families owned their homes. Only four states had higher homeownership rates. Ibid.

percent of their income on rent. As more poor people, with less money, sought fewer available apartments, apartment quality declined while rents rose sharply. In addition to a crisis in affordable housing, a pattern of stagnation and decline in the quality of the housing stock emerged throughout urban centers, confining 10 million families to inadequate or overcrowded dwellings and 24 million families to units that the federal government classified as having “a housing problem.”<sup>67</sup> The concerted divestment of inner-city neighborhoods, through the denial of repairs and cutbacks in subsidized housing assistance, created a context in which slum landlords could increase rent, make a profit, and not have to maintain properties. All these factors would lead to a dramatic wave of gentrification in the 1990s.

In part, due to the state withdrawal in social services and the housing crisis of the 1980s, the homeless population in the United States increased dramatically. From 1981 to 1989, the rate of homelessness increased from 5 to 15 percent in the 142 largest cities of the country.<sup>68</sup> In Minnesota, according to the Department of Jobs and Training, on an August night in 1985, there were 1,165 Minnesotans in homeless shelters. In August of 1987, that number had more than doubled to 2,425, with families becoming a large part of that homeless population.<sup>69</sup> The removal of a social safety net and the limited stock of affordable housing made homelessness a reality for many disenfranchised Americans. The state’s continued abstraction throughout these neoliberal shifts in public policy facilitated the proliferation of cultural explanations rooted that, in turn, justified such

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<sup>67</sup> Nathaniel Sheppard Jr., “More people being priced out of the American dream,” *Chicago Tribune*, Jul. 29, 1988: 1.

<sup>68</sup> Katherine Beckett and Steve Herbert, *Banished: The New Social Control in Urban America* (New York: Oxford University Press, 2010).

<sup>69</sup> Kate Perry, “Housing outlook for Minnesota’s poor is discouraging,” *Star Tribune*, Feb. 25, 1988: 3B.



cutbacks. This narrative interpreted homelessness not as a consequence of housing policy but as a result of personal choice.

This same narrative explained away the failure of public housing developments as a product of cultural pathology—manifested in the gender and sexual non-normativity of public housing tenants, in particular single-parent households. The *Chicago Tribune* reported that housing analysts projected that the housing crisis would be further aggravated in the 1990s by several key population factors including the number of low-income, single-parent, female-headed households which was expected to rise. In Minneapolis, the Metropolitan Council, the regional governmental agency assigned with urban planning, warned to the *Star Tribune* that the number of single-parent families was growing at a rate faster than married-couple households and predicted a plethora of social problems not the least of which involved a housing shortage. In spite of the stigma unleashed on single-parent households, they were not the primary beneficiaries of public housing in Minneapolis. Single-parent households accounted for 65 percent of the area's non-elderly, low-income housing needs, yet they only accounted for 17 percent of the 39,890 Twin Cities area family housing subsidies. This discrepancy illustrates that although single-parent households were in greater need of housing assistance, they were less likely to receive it. Despite not being the primary beneficiaries, single-parent households, especially those headed by single mothers of color, were often treated as the culprits for the failure of public housing, in particular, and urban blight, in general.<sup>70</sup>

To address the various structural problems plaguing Sumner Field, attorneys for the Legal Aid Society of Minneapolis and the Minneapolis chapter of the NAACP, on

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<sup>70</sup> Ibid.

behalf of 14 local residents of public housing, filed a lawsuit against the City of Minneapolis, the Minneapolis Public Housing Authority, the Minneapolis Community Development Agency, and the U.S. Department of Housing and Urban Development in 1992. The suit, *Hollman v. Cisneros*, accused the defendants of racial discrimination for creating and perpetuating patterns of residential segregation by confining subsidized housing to the north side of Minneapolis.

In 1995, the parties agreed to settle the claims in the lawsuit by signing a consent decree. The settlement became known as the *Hollman Consent Decree* after Lucy Mae Hollman, the lead plaintiff in the lawsuit. Hollman, an African-American woman who lived in the Sumner Field public housing development, requested a transfer after witnessing a shooting. The settlement was intended to end the racial and economic isolation of family public housing in north Minneapolis in three major ways. First, it called for the redevelopment of the north side neighborhood, by demolishing the 770 units of family public housing and relocating all of the 440 families living in those units to the suburbs in single-family homes and mixed-income apartments. Second, it required that HUD contribute to 900 housing vouchers for the creation of a Special Mobility Program (SMP) for other low-income households on the MPHA waiting list to be used in non-concentrated neighborhoods.<sup>71</sup> Third, the settlement mandated a one-for-one replacement of the 770 public housing units to be demolished. The replacement units, which were to have been built in non-concentrated neighborhoods throughout the

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<sup>71</sup> The consent decree defined non-concentrated neighborhoods in terms of both race and class. Any census tract with more than 29% people of color was minority-concentrated. Any central city census tract with more than 33% poverty or any suburban census tract with more than 12% poverty was poverty-concentrated.

metropolitan area, were to have been completed within 6 years of HUD's approval of the demolition.<sup>72</sup>

Not everyone was pleased with the provisions outlined by the consent decree. Many questioned the policy's proposed demolition of the few available affordable housing in the region given the affordable housing crisis that afflicted the region. In 1995, the City of Minneapolis witnessed a shortage of 14,776 housing units for extremely low-income households. By 1998, according to a study by HUD, the apartment vacancy rate for Minneapolis was 1.1 percent. The patterns of homelessness and a lack affordable housing that had already intensified in the 1980s, thus, persisted well into the following decade. With a greater demand than actual supply, waiting lists for housing assistance skyrocketed to at least 4,160 households in Minneapolis in 1988. Due to the lack of affordable housing, the number of homeless families in Minneapolis also increased. In 1995, according to the city's own estimates, 1,600 families experienced homelessness. In fact, several of the 14 original named plaintiffs in the *Hollman v. Cisneros* lawsuit were homeless in 1999.<sup>73</sup> Even though the *Hollman Consent Decree* attempted to remedy the concentration of racialized poverty through a multi-prong policy of demolition, relocation, and redevelopment, its provisions wreaked greater economic turmoil in the lives of poor, families of color.

To bring this contradiction to light, in the summer of 1999, prominent north side African-American community leaders interrupted the demolition process. The group of fourteen protesters, which included eight African-American ministers, were jailed for standing between bulldozers and the remaining public housing units. The Hollman 14, as

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<sup>72</sup> Goetz, *Clearing the Way*, 2003.

<sup>73</sup> Torres-Spelliscy, "Housing in the Heartland."

the group became known, demanded that in a middle of an affordable housing crisis, it would make greater sense to rehabilitate than to demolish housing. In an editorial appearing in the *Star Tribune*, the group claimed, “City policies send a consistent message to its low-income citizens particularly those of color: ‘We don’t want you here—get out of town.’”<sup>74</sup> The Hollman 14 linked the city’s perceived disregard for affordable housing to long-simmering tensions against urban migrants of color to Minneapolis.

However, in the midst of mounting opposition to a policy of deconcentration, the leadership of the Minneapolis branch of the NAACP changed. Rickie Campbell, who had referred to the *Hollman Consent Decree* as a “mistake,” replaced Matthew Little who had openly supported the original lawsuit. Once it became apparent that deconcentration would literally destroy entire black communities in north Minneapolis, the NAACP recanted its earlier position. The *Star Tribune* quoted Bill English, a NAACP member, questioning “why de-concentrating poverty means moving poor people. Why not bring economic development to poor people instead?”<sup>75</sup> Although members of the NAACP worked in collaboration with community activists to slow down or stop the destruction of the “heart and soul” of the African-American community, the NAACP’s newfound position clashed with that of the mayor’s. As the city’s first African-American and female mayor, Sharon Sayles Belton was also a member of the NAACP. Having been a party to the original lawsuit and a signatory to the *Hollman Consent Decree*, Belton vehemently endorsed deconcentration. She explained to the press, “I’m on the side that says we must

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<sup>74</sup> Curtis Herron, “If the City is Serious about Addressing Poverty.” *Star Tribune*, Sep 25, 1999.

<sup>75</sup> Kevin Diaz, “Once-Heralded Deal to Demolish Projects Now Faces Criticism.” *Star Tribune*, Aug 15, 1999.

de-concentrate poverty and build strong neighborhoods.”<sup>76</sup> Unlike the Hollman 14 and the NAACP, who insisted that economic development and opportunity were crucial in reducing poverty, Belton stressed that neighborhood environment was by far more critical in determining upward mobility for public housing families. Belton’s position lend itself more easily to the notion that deconcentration and subsequent mixed-income and multi-racial integration would benefit poor, families of color because it enable them to model their behaviors after their middle- to upper-class white neighbors. This was a central tenet of the *Hollman Consent Decree*.

Then-secretary of HUD, former San Antonio Mayor Henry Cisneros, welcomed the settlement process in *Hollman v. Cisneros* if only because it provided the agency with another opportunity to test out its newfound neoliberal vision of subsidized housing. During the first term of President Bill Clinton’s administration, HUD channeled its resources to altering its policies towards the spatial deconcentration of subsidized housing. This campaign was spearheaded by Cisneros who decried poverty as “urban America’s toughest challenge.” On April 6, 1995, Cisneros testified before a Republican-led Congress that the “social engineering experiment” of large-scale, high-rise public housing had proven a mass failure.<sup>77</sup> But Cisneros did not highlight the role of the state in this failure, doing so would have required him to acknowledge HUD’s policy of malign neglect. Neither did Cisneros link past federal housing policies (i.e., redlining, blockbusting, zoning) to contemporary patterns of residential segregation. Instead, Cisneros took the government’s failure in managing public housing as an opportunity to

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<sup>76</sup> Ibid.

<sup>77</sup> Katherine T. Jones and Jeff Popke, “Re-invisioning the City: Lefebvre, HOPE VI, and the Neoliberalization of Urban Space,” *Urban Geography* 31, no. 1 (2010): 114-33.

vouch for the benefits of the market in the operation of subsidized housing. Cisneros' thinking stressed that where the government had failed, the market would surely succeed.

At the hearing before Congress, Cisneros optimistically proclaimed that the reinvention of the agency hinged upon the “power of market discipline and individual choice.” This approach, Cisneros argued, would provide housing families with a greater range of housing choices while ensuring that families be immersed in racially-integrated, mixed-income neighborhoods.<sup>78</sup> Cisneros' reinvention of HUD in the mid-1990s conveyed a new vision of urban space, one that was shaped by neoliberal ways of thinking and was designed to attract private investment. As the architect of the “new” HUD in the 1990s, Cisneros understood that racially concentrated and impoverished neighborhoods bred cultural pathology: drug abuse, school dropouts, teenage pregnancies, and intergenerational welfare dependency. In making the case for a policy of deconcentration, Cisneros told Congress: “We have ample evidence that shows that when people are given the opportunity to live near jobs, and near schools, quality schools, that we see dramatic changes in their life circumstances.”<sup>79</sup> Cisneros, and other housing officials, used a theory environmentalism—the belief that changes to the built environment could generate changes to people's behavior—to restructure HUD as an anti-racist apparatus that assimilated the racialized poor into the cultural dictates of neoliberalism: heteronormativity, personal responsibility, and self-entrepreneurialism. A central limitation to this approach is that it mistakenly attributed poverty to the choices

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<sup>78</sup> The “power of market discipline” suggests that Cisneros believed that instead of building high-rise public housing complexes, HUD would outsource construction to private developers who would determine, depending on market demand, the number of units allocated to market rate and those reserved for subsidized living.

<sup>79</sup> Ibid.

and personalities of individuals while failing to recognize the economic, legal, and political structures that produce racially unequal outcomes on a daily basis. Though Cisneros accentuated the mid-1990s reinvention of HUD as a new frontier in housing, the incursion of a market rationale into federal housing policy has a longer, ongoing history, most notably in the state's self-abstraction in postwar white suburban homeownership.<sup>80</sup>

The new spatial strategy outlined in the *Hollman Consent Decree* was greatly influenced by the theories and policies of neoliberalism. The consent decree owed its emergence to the hallmark of neoliberal urban policy, HOPE-VI (Housing Opportunities for People Everywhere). HOPE-VI consisted of a campaign of rehabilitation or demolition and redevelopment of severely distressed high-rise public housing infrastructure in the United States into mixed-income housing. It provided funds to rehabilitate or demolish and rebuild the 86,000 public housing units throughout the country labeled the most "severely distressed."<sup>81</sup> The program began in 1992 and was codified into law in 1998.<sup>82</sup> The legislation outlining HOPE-VI emerged out of the National Commission on Severely Distressed Public Housing established by Congress in

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<sup>80</sup> The federal government has continually intervened in the "free markets" by subsidizing white homeownership all the while abstracting its role in the private housing market. The specific policies and practices differ by time but the market rationale is constant throughout. In postwar America, federal policy subsidized white suburban homeownership via FHA-insured amortized mortgages and through the popularization of restrictive zoning practices meant to physically restrict blacks from white neighborhoods. Housing officials and homeowners cited the protection of "property value" as justification for these exclusionary and racist selective-credit policies and land-use techniques. David M.P. Freund, *Colored Property: State Policy and White Racial Politics in Suburban America* (Chicago: University of Chicago Press, 2007).

<sup>81</sup> In the mid-1990s, HUD ordered local housing authorities to conduct viability studies of their public housing infrastructure to determine whether to rehabilitate or demolish. For example, the viability study commissioned by the Chicago Housing Authority recommended the demolition of the Robert Taylor Homes and various other high-rise public housing developments across Chicago. In total, about 17,859 units were demolished there, forcing 34,000 residents to locate. See: Venkatesh, American Project.; Larry Bennett, Janet L. Smith, and Patricia A. Wright, *Where Are Poor People to Live? Transforming Public Housing Communities* (New York: Routledge, 2006).

<sup>82</sup> Henry G. Cisneros, *From Despair to Hope: Hope VI and the New Promise of Public Housing in America's Cities*, ed. Lora Engdahl. (Washington DC: Brookings Institution Press, 2009), 308.

1989 to survey the matter of run-down public housing.<sup>83</sup> The first HOPE-VI pilot grant was awarded to the Atlanta Housing Authority in 1993.<sup>84</sup> Over the course of 15 years, HOPE-VI grants were used to demolish 96,200 public housing units and generate 107,800 new or renovated housing units, of which 56,800 were to be affordable for the lowest-income households.<sup>85</sup> The new and renovated housing units were designed to be mixed-income, less dense, and more fully integrated into local neighborhoods. The program's philosophy drew primarily from New Urbanism and the concept of "defensible space."

In the mid-1990s, the U.S. Department of Housing and Urban Development adopted the principles of New Urbanism in its multibillion-dollar program of HOPE-VI to rebuild public housing projects nationwide. As the architectural ethos of neoliberalism, New Urbanism is an urban design movement, arising in the United States in the early 1980s, defined by a focus on creating high-density, mixed-income, multi-use, and walkable neighborhoods. As the antithesis to the automobile-centered practice of urban sprawl, New Urbanism, through pedestrian-friendly spaces and design codes, seeks to

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<sup>83</sup> According to the commission's 1992 report, there was an immediate need to deconcentrate poverty. The report concluded, "As a nation we must act immediately to eliminate conditions that cause the families—men, women and children—living in approximately 86,000 units of severely depressed public housing to reside in physical, emotional, social, and economic distress." The 16-member commission, co-chaired by the chairman of the Chicago Housing Authority and U.S. Rep Bill Green of New York, visited public housing developments in more than 25 cities, held 20 public hearings and spoke extensively with residents of some of the best and worst facilities. The reports revealed disheartening figures for Chicago. One of the chairs of the study proclaimed that Chicago had the worst public housing in America with 50 percent seriously distressed. Especially troublesome, he said, was that only 10 percent of Chicago public housing residents were described as working. Otto A. Silha, "U.S. cities still starving for attention," *Chicago Tribune*, Sep. 30, 1992: 15.; Linda Couch, "Public Housing: Choice Neighborhoods Initiative and HOPE VI," National Low Income Housing Coalition, 2001. Retrieved August 5, 2016.

[http://nlihc.org/sites/default/files/Sec4.05\\_Public-Housing-Choice-Neighborhoods\\_2015.pdf](http://nlihc.org/sites/default/files/Sec4.05_Public-Housing-Choice-Neighborhoods_2015.pdf)

<sup>84</sup> Bruce Katz, "The Origins of HOPE VI." In *From Despair to Hope: HOPE VI and the New Promise of Public Housing in America's Cities*, ed. Henry G. Cisneros and Lora Engdahl, 15-29. Brookings Institution Press, 2009.

<sup>85</sup> "FY2010 Budget." United States Department of Housing & Urban Development. Jun. 20, 2010.



forge a sense of community by facilitating interaction and neighborliness.<sup>86</sup> New Urbanism works to bring the neighborly feel of the suburbs to the urban core while maintaining the hustle and bustle of city life. Although New Urbanism is concerned with promoting neighborliness, it could very well contribute to increased policing especially if newly implanted inhabitants feel threatened by perceived racial outsiders who may very well have lived in the neighborhood for generations.

In the case of public housing, the New Urbanist's architectural template abandoned the modernist's model of large-scale housing in favor of neatly fenced-off rows of townhomes that were believed to more directly interact with the street. Under HOPE-VI, rehabilitated or rebuilt public housing units were constructed with the goal of low-level, high-density, mixed-income, and mixed-use communities. In fact, the Congress for the New Urbanism (CNU), the organizing body for New Urbanism founded in 1993, was instrumental in providing design guidelines and training for HUD in its implementation of the program.<sup>87</sup> In addition to HOPE-VI, the ethos of New Urbanism was explicitly encapsulated in a number of other housing policies and practices including Chicago's *Plan for Transformation*.<sup>88</sup> Chicago's *Plan for Transformation*, along with HOPE-VI, did not require a "one-for-one" replacement of the old housing units, meaning

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<sup>86</sup> Jones and Popke, "Re-invisioning the city," 123.

<sup>87</sup> Center for New Urbanism. "HUD HOPE VI." Last modified 2015. <https://www.cnu.org/our-projects/hud-hope-vi>

<sup>88</sup> On January 06, 2000, Chicago Housing Authority officials held a press conference to announce *Plan for Transformation*, a detailed course of action outlining housing policy for the City of Chicago in the upcoming decade. It called for the demolition of 18,000 units, including all 51 of the high-rise public housing developments in the city, including the famed Cabrini-Green projects adjacent to the city's Gold Coast neighborhood. The plan cost \$1.5 billion and required the relocation of 6,000 families. The CHA predicted that by 2010 it would manage 25,000 units, some newly built and some renovated, all of which would be located in mixed-income and racially-integrated neighborhoods, with a guarantee that 30 percent of tenants would be former public housing residents. Bennett, Smith and Wright, *Where Are Poor People to Live?*

that new developments did not have to house the same number of tenants, thus, resulting in a net loss of affordable housing for the poor.<sup>89</sup>

Housing officials did not consider institutional neglect to be the cause for public housing's failure. Instead, they insisted that previous housing policies had proven unsuccessful because these policies had spatially and socially concentrated low-income populations. This isolation coupled with the alleged cultural pathology of tenants had contributed to a housing climate inimical to the neoliberal vision of HUD. For these reasons, housing officials hailed deconcentration as the appropriate course of action. By combining market-rate units with assisted units, the visionaries behind HOPE-VI postulated that interaction with middle- to upper-class neighbors would instill a more efficient work ethic among the poor and working-class tenants of public housing. Per this logic, to climb up the social, the racialized poor needed constant behavioral motivators in the form of more successful neighbors. To assist in this process of subjection, housing officials also ensured that they promoted single-family homes that would, in turn, train the racialized poor on the proper spatial delineation of private and public. Neoliberal urban policy, in the form of HOPE-VI, did not so much as seek to equalize the distribution of resources, as much as it labored to instill a discourse and practice of personal responsibility. In other words, neoliberal urban policy did not only manage public space, it also regulated private citizens in accordance to racialized norms of sexual hygiene.

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<sup>89</sup> In 1998, Congress repealed the one-for-one replacement policy, apart from HUD's implementation of HOPE-VI. According to the Urban Institute, the number of units receiving a federal subsidy and that are available specifically for the extremely poor in which to live has been slashed in half in developments emerging out of HOPE-VI. Rachel Peterson, "HOPE VI in San Francisco." San Francisco Planning and Urban Research Association. Mar. 1, 2015. <http://www.spur.org/publications/urbanist-article/2005-03-01/hope-vi-san-francisco>.

With HOPE-VI and its sibling programs, housing officials coerced displays of proper American self-improvement. They harnessed the architectural fabric of housing units in the service of instilling upon tenants an ethics of self-discipline and personal responsibility. The visionaries behind HOPE-VI drew their ideological inspiration largely from the concept of “defensible space.” Developed in the early 1970s by architect and city planner Oscar Newman, the theory of defensible space addresses ideas about crime prevention and neighborhood safety. In his 1972 book, *Defensible Space*, Newman observed that high-rise apartment buildings had a higher crime rate than lower-level housing projects. Newman theorized that high-rise apartment buildings witnessed more crime and vandalism because residents did not feel a sense of control or personal responsibility for an area occupied by such a large crowd of people. Newman, thus, reasoned that in order for a neighborhood to feel safer and remain physically well-kept, its residents had to feel a sense of ownership and responsibility for a particular parcel of land within that community. A housing development, however, could only be defensible if its physical features evoked territorialism among tenants.

The public housing buildings that emerged out of the theory of defensible space were low-rise ones, with high-quality materials—to develop pride in the space and maintain an interest in keeping the property in fair condition—closely integrated into the street, and designed with an eye for visibility—so that tenants could look outdoors at all times of the day and would-be criminals could be deterred by looking indoors—a kind of domestic Panopticon.<sup>90</sup> In the mixed-income row of townhomes that sprung up in Chicago’s Cabrini Green neighborhood and in north Minneapolis’s post-demolition

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<sup>90</sup> Oscar Newman. *Defensible Space: Crime Prevention Through Urban Design* (New York: Macmillan Publishing, 1973).

community of Heritage Park, all homes purposefully included private entrances and gardens to foster respect for and maintenance of private property among tenants who were presumed to be careless.

From the Robert Taylor Homes and Cabrini Green in Chicago to Sumner Field in north Minneapolis, the goal of state-subsidized housing has always been the molding of tenants into a specific ideal that upholds the economic, political, and social status quo. One of the most prominent examples of this set of circumstances is that of the Pruitt-Igoe public housing complex in St. Louis, Missouri. A bold experiment in public housing, Pruitt-Igoe was completed near downtown St. Louis in 1954 in response to the crowded and unhygienic living conditions of the city's slums. Built according to the ideas of Swiss architect Charles Edward Jeanneret le Corbusier, the complex consisted of 33 eleven-story, high-rise buildings that occupied a 59-acre site. Pruitt-Igoe, like postwar public housing, was informed by a modernist approach to architecture: a design ethos that valued a rational, scientific approach to construction wherein only the necessary, functional parts of structures remained. In regards to aesthetic, modernism was conveyed by beauty in geometric purity, concrete slab construction, and a fondness for sleek surfaces. The idealist rationality that underwrote the modernist vision of architecture professed that people's lives *could* be shaped by architecture.<sup>91</sup> To that extent, the layout

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<sup>91</sup> The buildings were designed to incorporate Le Corbusier's three essential joys of urbanism: sun, space, and greenery. Elizabeth Birmingham, "Reframing the Ruins: Pruitt-Igoe, Structural Racism, and African-American Rhetoric as a Space for Cultural Critique," *Western Journal of Communication* 63, no. 3 (1999): 291-309.

of Pruitt-Igoe was not without intended purpose. The public housing development was an attempt to solve the problems of poverty and urban blight through architectural means.<sup>92</sup>

Planners designed the layout of Pruitt-Igoe in such a way that it provided for the materialization of racialized norms of sexual hygiene: domesticity, intimacy, privacy, and respectability. As urban scholar Elizabeth Birmingham notes, the design aesthetic of Pruitt-Igoe closely resembled that of a hospital, “a safe, hygienic, and healthful environment.”<sup>93</sup> Planners sought to instill the virtues of a clean, democratic, and safe living environment on residents by encoding particular design features onto the built environment. For instance, architects installed elevators that stopped at only every third floor, forcing residents to travel up and down the stairs to reach their desired destination. Architects hoped this design would provide opportunities for residents to play and interact with one another. Also, in keeping with Corbusier’s notion of the “City in a Garden,” a ring of greenspace, intended to serve as an aesthetic and recreation area, separated the buildings from the remainder of the city. These outdoor open spaces were devised to link the project to the larger neighborhood and to foster a sense of community among residents. In reality, these design features merely provided opportunities for crime as they economically isolated the residents from the resources of the city. In confining the city’s poor, black residents to their own urban island, they were denied access to the basic amenities and opportunities for social mobility. By the end of the first decade, the buildings began to decline. And, just twenty years after their opening, the buildings were

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<sup>92</sup> The first project, Pruitt, was intended for African-Americans and the second, Igoe, was intended for whites. However, with the Supreme Court invalidating residential segregation, both projects eventually become black. Of the over 10,000 residents of Pruitt-Igoe, 98 percent were black. And they were also extremely poor, with an estimated annual median family income of \$2,454 with an average family consisted of a single mother and 4.28 children. Ibid.

<sup>93</sup> Ibid.

demolished. Their failure was blamed on the architects, the government, the city, but mostly on the residents themselves.<sup>94</sup>

The built environment of the Pruitt-Igoe housing complex, like that of Sumner Field and its post-demolition neoliberal iteration of Heritage Park, rested on an ideology of cultural pathology. Modern and post-modern architecture (i.e., mixed-income public housing) did not fail public housing residents. What failed them and continues to do so are the deeper structural failures of racism and poverty. The underlying problems of racial and class-based inequality were carried over from the era of high-rise public housing projects to that of multi-racial, mixed-income town-homes. HUD's new neoliberal vision of urban space proceeded from an environmentalist assumption that a reconfiguration in the built environment would likewise alter people's behaviors. Although the visionaries behind HOPE-VI utilized the principles of defensible space to nurture a sense of control of public spaces among residents that was once denied to them living in high-rise public housing, their mission wrongfully assumed that high-rise public housing buildings became dilapidated as a result of crime, vandalism, and an overall cultural unwillingness on the part of tenants to care for their surroundings. For that reason, housing officials believed that racial integration, mixed-income housing—that is, gentrification—would “fix” public housing tenants by instilling upon them new neoliberal subjectivities.

We can connect the notion of greenspace and defensible space to the ideological presumptions around allotment in the United States. The idea of allotment is that the

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<sup>94</sup> Timothy J. Fox, “The World’s Fair, Pruitt-Igoe, and the Myths of Modernism,” *The Confluence* (2014): 44-52.; Joseph Heathcott, “Pruitt-Igoe and the Critique of Public Housing,” *Journal of the American Planning Association* 78, no. 4 (2012): 450-51.; Katherine Bristol, “The Pruitt-Igoe Myth,” *Journal of Architectural Education*, (1991): 163-71.

government will grant a certain amount of space to residents in order to foster personal responsibility. In the late 1800s, after the American West had been conquered, the American government embarked on a policy of “civilizing” the Lakota and other western Indian peoples. For colonial administrators, all the Lakota looked alike; they had no individual identities. Prior to the emergence of industrial capitalism in the late 19<sup>th</sup> century, the primary sociopolitical units of the Lakota were kinship-based, and leader-centered. The state, thus, encountered a problem with this arrangement. This type of subject could not be recuperated under the government’s administrative and juridical agenda, or the market economy under which labor and land were traded as goods. As a result, agents for the Office of Indian Affairs (OIA) implemented a series of administrative techniques that forced the Lakota to conform to a minimum definition of modern individuality. Examining the process of “subjection” on the Pine Ridge and Rosebud Reservation in South Dakota from the 1880s to the 1930s, historian Thomas Biolsi argues that the Lakota were molded into private individuals with predictable and recordable identities and self-interests.<sup>95</sup> According to Michel Foucault, subjection is the constitution of subjects, the way in which individuals establish their relation to power and recognize themselves as being obligated to abide by that power. In short, it is the way in which people are invited to recognize their obligations to power. Because subjection was linked to both positive and negative power, the Lakota came to view their self-interests through this matrix of subjectivity. They also learned to shape their actions and thoughts under these terms.

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<sup>95</sup> Thomas Biolsi, “The Birth of the Reservation: Making the Modern Individual Among the Lakota,” *American Ethnologist* 22, no. 1 (1995): 28-53. See: Michel Foucault, “The Subject and Power,” in *Michel Foucault: Beyond Structuralism and Hermeneutics*, ed. Hubert L. Dreyfus and Paul Rabinow (Chicago: University of Chicago Press, 1983), 208-26.

Modes of subjection, in determining the channels through which the Lakota would be known by the state and allowed to operate as individuals, facilitated the penetration of the subjectivities of the Lakota by the state and by capitalism. One of the modes of subjection operating in the internal pacification of the Lakota was “emproptiment,” in particular the allotment of Indian lands by the OIA. Administrators believed that the allotment system created individuality, responsibility, and a desire to accumulate capital among the Lakota. The allotment system also helped to create a new sovereignty on the reservations. As emproptied individuals, the Lakota depended upon the state apparatus for the protection of their property. This social contract between property owners and the state bolstered the role of the state as a sovereign entity that represented the interests of property owners. As Biolsi explains, “The significance of property ownership as a form of modern subjectivity lies in its implications for political sovereignty, specifically for the state: privatization of the means of production/subsistence creates fundamentally new subjects with radically new interests and social and political relations to each other.”<sup>96</sup> Biolsi’s point here is that private property ownership reconfigured social relations while giving rise to a subject whose interests rested within the protection of that property.

Like the allotment of Indian lands, as a “civilizing” strategy, one of the most important elements of housing policy under neoliberalism has been the allotment of single-family homes, whether in multi-racial, mixed-income urban neighborhoods or in the suburbs, with their use of defensible space and greenspace. The use of greenspace and defensible space in both modernist and neoliberal iterations of public housing is

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<sup>96</sup> Ibid., 33.



indicative of attempts to demarcate the boundaries between the public sphere and the private domain of the home. Under HOPE-VI and the *Hollman Consent Decree*, single-family homes in mixed-income neighborhoods, with their separate entrances, multi-purpose rooms, and plant-filled front-porch gardens, were meant to impose upon the racialized poor a spatial sense of the boundaries between public and private. And, in so doing, planners hoped to elicit heteronormative community structures out of the racialized poor that marked their relationships and social dynamics as legible and readable for dominant white society. The discussion of Indian land allotment suggests that the state recycled a number of the approaches used in the construction of reservations for Native Americans as it did for blacks in the construction of public housing developments (i.e., racial segregation, economic isolation, and architectural design codes of defensible space). Given these similarities, it would be of benefit for us to study the creation of American Indian reservations in relation to the postwar development of inner-city ghettos as “urban reservations” for blacks and Latinx. These were urban reservations to the extent that they also contained and segregated people of color, the poorest and most vulnerable, from the rest of the city and the resources allocated to whites. By spiraling into prison-like encampments of crime and policing once federal and local monies dried up, these desolate and isolating institutional structures fortified the foundations of racial hierarchies and the pervasiveness of hopelessness.

If housing policy in the United States operates as a mode of subjection, then we can treat the privatization of public housing as an attempt to reconstitute the political subjectivities of the racialized poor in accordance to neoliberalism. In the 1990s, housing officials believed they could socially engineer heteronormativity out of the racialized

poor by applying architectural design codes that promoted—coerced—domesticity, intimacy, privacy, and respectability. Given its intended goal of behavioral modifications, neoliberal urban policy, as manifest in HOPE-VI and the *Hollman Consent Decree*, operates as a neoliberal spatial fix that seeks to remedy social disparities by merely altering the ways in which people occupy space, not by addressing the root causes behind those material inequalities. The failure of local housing authorities and HUD to maintain its infrastructure—the result of Reagan’s massive budget cuts—is what resulted in the physical deterioration of these structures across the country. The blighting of the buildings in conjunction with the mass exodus of economic activity from the surrounding neighborhoods all contributed to a wave of mass desperation and human suffering.

### **False Hope.**

Mainstream perceptions of gender and sexual non-normativity stoke cultural anger from those in positions of power that, in turn, fuels a number of punitive and “benevolent” mechanisms designed to “fix” such populations. Proceeding from a reservoir of popular images of poor, families of color as deviant, in particular of women of color as “unfit” mothers, these neoliberal urban policies and programs served as powerful mechanisms of moral and sexual regulation. Forasmuch as morality and sexuality were upheld as the both the cause and solution to racialized material inequality, the *Hollman Consent Decree* and HOPE-VI program elided any acknowledgement of the economic policy decisions and social processes that conspired to perpetuate racialized poverty. Policymakers insisted that deconcentration would benefit public housing families by placing them in close contact to job growth centers in developing suburbs and help them develop a more efficient work ethic by providing them with opportunities to

emulate their white, middle-class neighbors. In practice, deconcentration did not achieve these end goals.

While some community activists explicitly expressed their opposition to the Hollman approach through news media, displaced families implicitly expressed their opinion on the matter through their relocation patterns. In August of 1995, three months after the signing of the *Hollman Consent Decree*, displaced families began moving from the north side neighborhood. Housing officials provided relocation assistance to the 440 impacted families including helping them locate potential units, assisting them in visiting units, and filling out rental applications. Although the primary goal of the settlement process was the relocation of public housing families into non-concentrated areas, specifically suburban, most of the displaced families chose to relocate very close to their original address. The 440 families displaced from the north side neighborhood were not restricted to non-concentrated areas. That is, they could have used relocation assistance to move to any neighborhood in the city. However, according to a study of the relocation patterns of displaced families conducted by urban geographer Edward Goetz, only 49.6 percent moved to non-concentrated census tracts, 4.9 percent moved to census tracts that were poverty-concentrated, 12.9 percent moved to minority-concentrated neighborhoods, and 32.6 percent moved to neighborhoods that were both poverty- and minority-concentrated. More than half of the 440 displaced families moved to neighborhoods that were concentrated in one way or another. To place the relocation patterns in different terms, 27 percent of families stayed within a one-mile radius of the center of the original public housing development, 39 percent moved within a two-mile radius, and 58 percent

moved within three miles. Overall, only 10 percent of families relocated to first-ring suburbs, and that was immediately to the north and west of Minneapolis.<sup>97</sup>

The minimal rate of success suggests that housing officials, in their policy of deconcentration, did not consider how material conditions would constrain the mobility choices of public housing families. Suburban living posed a number of challenges for displaced families, many of whom rightfully feared discrimination in their housing searches and harassment in their new living environments given the vicious history of residential segregation. Other families were reluctant to relocate to suburban areas located many miles away from north Minneapolis and, by extension, the informal support networks upon which they relied for survival. In addition, the lack of public transportation in the outer suburbs contributed to the less than ideal nature of these locations.<sup>98</sup> In spite of these obvious constraints, bureaucratic parties to the *Hollman Consent Decree* failed to contemplate how these difficulties could dissuade families from abandoning the central city in favor of suburbia. The fact that these obvious constraints were so easily overlooked suggests that the true purpose of the *Hollman Consent Decree* was *not* to reduce racialized poverty. Had this been the case, housing officials from HUD and the Minneapolis Public Housing Authority would have channeled some of the millions of dollars allocated to public housing in Minneapolis to education, job training and placement, and childcare. Instead, because it merely deconcentrated poverty without addressing its root causes, the *Hollman Consent Decree* served to implement HUD's newfound neoliberal urban policy towards subsidized housing in the United States.

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<sup>97</sup> Goetz, *Clearing the Way*.

<sup>98</sup> Ibid.

Not all public housing families equally benefitted from this policy of deconcentration. Those who were unable or unwilling to adhere to the cultural dictates of neoliberalism—in particular, those who were characterized as mono-cultural, sexually deviant, inflexible, and criminal—were symbolically devalued and made vulnerable to the state’s disciplining regimes. Spurred by media images of women of color as unfit mothers and men of color as criminals, welfare reform and post-conviction penalties of the mid-1990s illustrate how those who defied racialized norms of sexual hygiene were subjected to heightened surveillance and harassment. Much like public housing, welfare reform in the mid-1990s was redesigned as a tool of social control and punishment, a means of modifying the behavior of the racialized poor.<sup>99</sup> Since many policymakers attributed “fatherlessness” as the leading cause of some of the most pressing problems in American society—crime, drug abuse, and poverty—welfare reform in the 1990s focused on preserving the American family. Welfare reform further disenfranchised poor, people of color by denying those with drug convictions access to anti-poverty instruments including housing and financial assistance, and education supports.<sup>100</sup>

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<sup>99</sup> On August 22, 1996, President Clinton signed into law the Personal Responsibility and Work Opportunity Reconciliation Act (PRWORA). The new law authorized states with increased power to run AFDC as it dramatically cut welfare funding. It also established a lifetime ban of five years for payments to any family and required that heads of household secure employment within two years. Under Clinton, welfare was no longer treated as philanthropy; it was reframed as a mode of re-adjusting poor people’s behavior, in particular the sexual pathologies associated with black and Latino families. As part of the system’s overhaul, family cap provisions were also written into law. Premised on the assumption that the promise of benefits compels women to have additional children, family cap provisions deny any increase to the total payment a family receives after the birth of a new baby. In addition to family cap provisions, the PRWORA placed a priority on family preservation by offering monetary incentives to establish the parentage of children born out of wedlock and improve fathers’ access to visit children. See: Dorothy E. Roberts, *Killing the Black Body: Race, Reproduction, and the Meaning of Liberty* (New York: Vintage, 1999).

<sup>100</sup> The PRWORA also established a lifetime welfare ban on people convicted of felony drug offenses, further solidifying racial and class boundaries. As Allard shows, the ineligibility for cash assistance and food stamps results in limited access or outright denial of education and employment training programs, childcare support, and drug treatment programs. These post-conviction penalties are gendered to the extent

In 1996, the same year that welfare reform was passed, the federal government implemented the “One Strike and You’re Out” policy authorizing local housing authorities to deny admission or evict tenants from subsidized housing based on a felony or misdemeanor conviction, including those based on drug-related offenses. Under the provision, even suspicion of illegal activity suffices to meet eviction or inadmissibility from public housing, Section 8 voucher programs, and project-based Section 8 housing. The policy also authorizes local housing authorities to conduct criminal background checks on adult applicants before approving their applications. If one member, or even a guest, is suspected of having engaged in criminal activity, regardless whether that person has been arrested or convicted of any such illegal activity, housing authorities are permitted to evict entire families. According to the Human Rights Watch, the “One Strike” policy renders ineligible for public housing at least 3.5 million men and women. Employment requirements for housing vouchers and HOPE-VI housing, furthermore, penalize tenants unable to secure or unwilling to accept low-wage labor.<sup>101</sup> Through these complex web of post-conviction penalties and welfare bans, poor, families of color are expected to observe compliance, strive for normativity, embrace responsibility, and practice docility or else face eviction and potential homelessness. The legislation of these penalties and bans also allows the state to slash entitlement program spending, such as

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that the disproportionately impact women. Between 1996 and 1999, over 96,000 women, 48 percent who were African American or Latina, were subjected to the ban, impacting the well-being of 250,000 children. Meanwhile, a 1998 amendment to the Higher Education Act of 1965 suspended eligibility, under some circumstances for life, for post-secondary financial aid—grants, loans, and work assistance—for anyone convicted of a drug-related misdemeanor or felony offense while attending a post-secondary institution. Affecting more than 175, 000 students, the law prescribed that anyone convicted of possession of a controlled substance would face a one-year suspension of federal aid following the first offense, a two-year suspension for the second offense, and a lifetime ban for the third offense. Allard, “Crime, Punishment, and Economic Violence.”

<sup>101</sup> Ibid.

public housing, and redirect those funds elsewhere, all the while forwarding explanations that attribute the failure of public housing to people's unwillingness to abide by the rules of the market.

Despite the racialized violence generated by welfare reform and housing reform, attorneys for Legal Aid and members of the NAACP, who were invested in a liberal ethos of multiculturalism, were unable to successfully articulate a materialist critique of the neoliberal restructuring of public housing. They were unable to muster an antiracist critique of such policies precisely because neoliberal policymakers coded deconcentration-policy as an official antiracism that would successfully open up suburban living to poor, people of color and would, by extension, redress a history of residential segregation in the United States. A discourse and practice of neoliberal multiculturalism rendered it difficult, if not impossible, for housing activists and community leaders to successfully mount an antiracist critique of HOPE-VI and the *Hollman Consent Decree*. As the latest incarnation of official state-sanctioned antiracism, neoliberal multiculturalism normalized the shifting urban policies of spatial governance. Literary critic Jodi Melamed writes that “neoliberal multiculturalism portrays an ethic of multiculturalism to be the spirit of neoliberalism and posits neoliberal restructuring across the globe to be the key to a postracist world of freedom and opportunity.”<sup>102</sup> The model of neoliberal multiculturalism deputizes the market as the mediator of racial, class, gender, and sexual disparities. By conflating economic rights—the freedom of consumer choice—as the most important form of civil rights, neoliberal multiculturalism justifies

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<sup>102</sup> Jodi Melamed, “Reading Tehran in Lolita: Making Racialized and Gendered Difference Work for Neoliberal Multiculturalism,” in *Strange Affinities: The Gender and Sexual Politics of Comparative Racialization*, ed. Roderick A. Ferguson and Grace Kyungwon Hong (Durham, NC: Duke University Press, 2011), 78.

deregulation and privatization to guarantee freedom to previously marginalized racialized populations. Nonetheless, by portraying the free market as the greatest purveyor of racial equality, neoliberal multiculturalism abstracts the racialized social and economic structures that bolster neoliberalism.

The hegemony of neoliberal multiculturalism hinges on the incorporation of newly valued racialized subjects. In our discussion, it would be those poor, families of color who as a result of the *Hollman Consent Decree* and HOPE-VI were provided with the opportunity to move into multi-racial, mixed-income neighborhoods. Their incorporation confirms how newly privileged subjects have emerged to the extent that traditional racial identities can occupy both sides of the privilege/stigma divide. The racial identity of “person of color” can now occupy both sides of the valued and devalued equation and reap benefits or experience violence accordingly. This dialectic is key to sustaining neoliberal urban policy: gentrification and banishment without the explicit accusation of racism. Precisely because some people of color are included within the fold of the state, acts of violence by the state against devalued racial subjects are not interpreted as racist. By transplanting onto the neoliberal subject of color some of the privileges and benefits associated with whiteness, neoliberal multiculturalism obscures the racist intent behind mass incarceration, welfare reform, post-conviction penalties, homelessness, and displacement ignited by gentrification.

### **Conclusion.**

A policy of deconcentration, because it abstracted the state’s role in fostering the concentration of racialized poverty, ensured that discourses and practices of cultural pathology—via gender deviance and sexual non-normativity—could be mobilized to



explain urban blight and, in turn, justify gentrification as a solution to sexually-conjugated racial pathos. As a tool of social control, public housing policy in the 1990s became a way of “improving” the sexual behavior of poor, families of color. Since housing authorities understood the regulation of the gender and sexual identities and practices of the racialized poor as a solution to material inequality, one of the major goals of public housing policy was to inscribe domesticity and privacy into the living arrangements of these families via the architectural design of New Urbanism and the behavioral codes of defensible space. Racial norms of sexual hygiene were, thus, etched into the bricks and mortar of public housing policies and programs in the United States. In so doing, public housing policy shared features of eugenic thinking by striving to improve the race of people of color, primarily black men, women, and children. Precisely because it promulgated residential integration, the anti-racist rhetoric of housing policy in the 1990s reduced the channels available for poor, families of color and community activists to articulate a critique against the state’s sexual and spatial privatizing imperatives. By stoking anxieties associated with white injury, the mainstream media played a crucial role in garnering public support for these policies.

In the midst of changing racial demographics in the Twin Cities, elected leaders, officials in the criminal punishment system, and the media aroused fears around the issue of crime and emphasized its connections to race. By underscoring their non-normative gender and sexual identities and practices, those in positions of power bolstered the notion that urban migrants of color were culturally predisposed to crime. Through the dissemination of images of fatherless violent gang members and lazy single mothers on crack and welfare, the mainstream media became an important site for the state in

fabricating public consent and support for the policies associated with the war on drugs, welfare reform, and the privatization of public housing. The media reframed gang-related violence and drug abuse, not as economic crimes or public health matters, but rather as pressing risks to the moral fabric of the nation requiring punishment and regulation.

The white injury that powered the war on drugs transformed the criminal punishment system into a technology of mass incarceration that exacerbated the marginalization and misery of an entire segment of the American population caught at the nexus of economic disenfranchisement and political subordination. On the other hand, Americanization programs, the few ones that survived neoliberal gutting, targeted single mothers of color in an attempt to assimilate poor, families of color into heteronormative community structures by imposing upon them a reform of their housing conditions. Housing, thus, became a way to socially engineer racialized norms of sexual hygiene out of the racialized poor. The problem with these approaches to urban blight—the punitive and the benevolent—is that they both failed to acknowledge how crime, drug abuse, and poverty operated within a context of economic disenfranchisement, police brutality, and structural racism. By ignoring these stark racial disparities, policymakers, the police, and the media failed to provide context or nuance. Instead, they solidified the perceived connection between race, crime, and deviations from gender, sexual, and domestic space norms. And, they did this while bolstering neoliberalism as the true guarantor of civil rights.

It is important, though, to note that the lives of the racialized poor—gang members and crack addicted mothers—do not operate in a historical vacuum. We must place their experiences within the context of neoliberal shifts in the political economy of

American central cities in the latter half of the 20<sup>th</sup> century. This material re-centering allows us to better understand the individual lived experiences of social structures of oppression. Writing in regards to Puerto Rican crack cocaine dealers in New York City in the late-1980s, cultural anthropologist Phillipe Bourgois notes that “the self-destructive daily life of those who are surviving on the street needs to be contextualized in the particular history of the hostile race relations and structural economic dislocation they have faced.” By narrating the experience of residential segregation and deindustrialization, I have contextualized that particular history of “hostile race relations and structural economic dislocations” navigated by urban migrants of color to Minneapolis in the 1980s. If we fail to relate individual experience to political economy, we also forego an opportunity to decode “the relationship between social structural constraints and individual failure.”<sup>103</sup> To that extent, I have reframed public housing in the United States not as a symbol of the progressive ethos of the state. On the contrary, I have emphasized that public housing marks the state’s failure to meet the basic housing needs of its population—a reminder of the state’s overtly racist federal housing policies and programs that economically and physically constrained communities of color into encampments of misery and squalor: “urban reservations.” Given the outcome of public housing in the United States, we would do well from treating public housing not just as a physical structure but as a metaphor of structural racism in the United States. We can observe structural racism not only in the economic, legal, and social structures of American society, but also in the “discreet infrastructures and structures of our

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<sup>103</sup> Bourgois, *In Search of Respect*, 15.

community.”<sup>104</sup> As metaphors of structural racism, public housing projects reinforced the physical barriers confronted by the racialized poor in accessing the opportunities afforded to whites in American society. Considering that my analysis confirms that everyday racism and heteronormativity are produced, structured, and sustained in diverse spatial practices, we must attend to the processes under which structural constraints become reflected in spatial impediments.

Despite HUD’s efforts to deconcentrate poverty via the dispersal of subsidized housing, the result of these policies and practices were mixed. Indeed, the *Hollman Consent Decree* did successfully deconcentrate Minneapolis’s largest concentration of poverty. However, it minimally accomplished the dispersal of these families into middle-class neighborhoods. Most of the displaced families merely moved to nearby central city neighborhoods that were already concentrated in terms of class, race, or both. Other displaced families experienced homelessness. The larger majority of families, unable to rely on their informal social support networks, experienced new challenges when adopting to their living environment. In sum, these public housing policies and programs of deconcentration led to the very same conditions housing authorities were purported to eradicate. The state produced the very same non-normativity that it had tasked itself with remedying.

Both the modernist and neoliberal vision of public housing in the United States failed because of a complex web of causes. These include larger economic and social forces of deindustrialization, fiscal mismanagement, and the broader—still unacknowledged—social circumstances that necessitated public housing, in the first

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<sup>104</sup> Birmingham, “Reframing the Ruins.”

place: racism, classism, and economic divestment. These crosscutting economic, political, and social dynamics—which carried over from the modernist to the neoliberal vision of public housing—are responsible for turning public housing into a symbol of decay, hopelessness, and violence.<sup>105</sup>

Focusing on cultural factors—gender and sexual non-normativity—to explain the failure of public housing is delimiting. But, it does achieve an important ideological function. According to Molina, “The formulation of racialized groups as non-normative and therefore needing to be controlled...excuses inequality by attributing it to the non-normative behavior of racialized groups” and “legitimizes intrusive measures of social control under the guise of civilizing projects.”<sup>106</sup> Molina’s point is that a focus on the cultural attitudes and practices of marginalized communities sidesteps an important conversation on how institutional policies actually trigger non-normativity. Furthermore, it bolsters the state’s neoliberal infrastructure of policing and surveillance. And, I would add, it reifies the viability of racialized norms of sexual hygiene as the criteria through which marginalized communities petition the state for social membership.

The assumption that domesticity and privacy should be the lenses through which we solve material inequality is conservative and unrealistic given current social formations. Likewise, the promotion of family obscures an interrogation of the state and excuses it from providing such basic necessities as housing to its populace. Queer theorist David L. Eng observes, “The privatization of family underwrites the withdrawal of state funding and resources, as the promotion of ‘traditional’ marriage is meant to replace state

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<sup>105</sup> Ibid.

<sup>106</sup> Molina, *Fit to Be Citizens*.

dependency and employer support.”<sup>107</sup> Here, Eng explains that in the wake of cutbacks to social welfare programs used by the racialized poor, family becomes the privatized institution that assumes the state’s public and institutional obligations. The private sphere of the home and family is not “private” so much as it is a key site in the global restructuring of capital and labor. We are, thus, witness to the contradictions of capital. One the one hand, the state demonizes the racialized poor for failing to adhere to conventional structures of family and kinship. And yet, on the other hand, the state conditions this very same gender and sexual non-normativity by denying the racialized poor access to economic mobility.

In the long run, a policy of infrastructural decay proved economically viable in central cities across the United States. What the deconcentration approach to poverty *did* successfully achieve was gentrification. The replacement of large-scale family public housing complexes in the 1990s with mixed-income, high-density, low-level townhouses intensified a process of gentrification, albeit one that was already under way across in central cities. By increasing property values, the mixed-income model of the *Hollman Consent Decree* and HOPE-VI conditioned the surrounding neighborhoods for urban revitalization. This came at a time when wages stagnated or decreased altogether further pushing people into more precarious living conditions, including homelessness for some. This process of state-assisted gentrification is exemplified with the redevelopment of the 145-acre vacant site in north Minneapolis that formerly housed the Sumner Field,

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<sup>107</sup> David L. Eng, *The Feeling of Kinship: Queer Liberalism and the Racialization of Intimacy* (Durham, North Carolina: Duke University Press, 2010), 31.

Glenwood, Lyndale, and Olson public housing developments into Heritage Park, a “stable, affordable, and sustainable urban neighborhood.”<sup>108</sup>

In March of 2000, the Minneapolis City Council approved the Master Plan for Heritage Park. The plan doubly called for the construction of new homes and of new parks and tree-lined streets to connect the area to the surrounding community and the larger city. Opening in 2005, the 900-housing-unit development included both rental and ownership single-family homes, duplexes, garden apartments, townhouses and carriage houses with “modern floor plans, ample backyards, front porches, and elegant design details” in “European Romantic, Classic, Victorian, and Craftsman” architectural design.<sup>109</sup> The new homes were built according to the templates of defensible space and New Urbanism. Housing officials harnessed architectural design to press upon poor, families of color a particular set of attitudes and behaviors—domesticity, neighborliness, privacy, and responsibility—all of which were meant to render these tenants non-threatening to the professional and elite classes that were the real targets of this mixed-income housing complex.

The City of Minneapolis boasted that Heritage Park would result in a “mixed-income, mixed-density, culturally diverse and amenity-rich neighborhood.” The project, which cost approximately \$225 million (\$75 million in public infrastructure costs and \$150 million for housing development), was the result of a public-private partnership

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<sup>108</sup> Heritage Park Neighborhood Association. Accessed Aug. 15, 2016.  
<http://www.heritageparkneighborhood.org/>.

<sup>109</sup> Live MSP. “Sumner-Glenwood (Heritage Park.” Accessed Aug. 15, 2016.  
<http://www.livemsp.org/neighborhoods/minneapolis-neighborhoods/38-sumner-glenwood-heritage-park/56-sumner-glenwood-heritage-park>.

between the city, county, state, and federal government, and a private developer.<sup>110</sup> Of significance is how city officials and real estate agents sought to recuperate north Minneapolis as an intrinsic part of the city. Most city-sponsored and real estate websites listing Heritage Park highlighted the close approximation of the housing development to downtown Minneapolis— “located just six blocks west” and “on the western doorstep of Minneapolis’ downtown area”— a fact that was actively concealed in most press and city accounts of the public housing developments in the 1980s. At that time, if the media or city officials did acknowledge the housing development’s close proximity to downtown Minneapolis, it was usually to justify greater policing.

Given the multicultural justification of the neoliberalization of public housing, the case of north Minneapolis alerts us to the importance of mobilizing critiques that are anti-racist, intersectional, and materialist in nature, while also non-identitarian. Women of color feminism and queer of color critique encourage the re-reading of the spatial text of urban blight by providing us with a lens that enables us to critique structural racism and the ways in which architectural systems reinforce it. Such an approach will enable us to make sense of the ways through which race and class shape the experiences of gender and sexuality via spatial processes. We must question the notion that racialized norms of sexual hygiene, designed into the very fabric of housing policy in the United States, are anything more than state-sanctioned performative iterations intended to uphold capitalism, patriarchy, and white supremacy. Doing so will grant us the opportunity to

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<sup>110</sup> Heritage Park was a result of a public-private partnership between the Housing and Urban Development Department, the State of Minnesota, Hennepin County, the Metropolitan Council, the Minneapolis Public Housing Authority, and the City of Minneapolis, on the one hand, and the McCormack Baron Salazar/Legacy Development and Heritage Housing LLC, on the other hand. City of Minneapolis, “Heritage Park.” Last modified Mar. 19, 2013. [http://www.ci.minneapolis.mn.us/cped/projects/cped\\_heritage\\_park](http://www.ci.minneapolis.mn.us/cped/projects/cped_heritage_park).



repudiate the compulsion to measure the social value of the racialized poor according to that arbitrary standard. For as long as neoliberal calculations intrude on the design and operation of government approaches and practices, we will continue to witness racialized violence veiled under the veneer of multicultural inclusion.

## Conclusion.

Towards a Transformative Coalitional Politics: Re-Reading the Spatial Text of Urban

Blight with Women of Color Feminism and Queer of Color Critique

**Michael Johnson, the “Tiger Mandingo.”**

Today, taking antiretroviral drugs and pre-exposure prophylaxes—such as *Truvada*—has been proven to reduce the risk of transmitting HIV by more than 90 percent.<sup>1</sup> As pharmaceutical companies introduce new treatments, laws criminalizing HIV transmission, however, have also proliferated. Although prosecutors defend such laws as providing just punishment for behavior that could transmit the virus, some epidemiologists and AIDS advocates contend that these laws are outdated, harsh, and no longer appropriate given the medical advances in HIV care. In fact, they warn that HIV criminalization may actually backfire and fuel the spread of the virus by making people hesitant to be tested and treated. Under most of these laws, people who do *not* know they have HIV are less culpable than those who do know. Even though a wide swath of the medical establishment has rightfully pointed out that prosecuting people for not disclosing their HIV status could harm public health, their critiques have largely overlooked the racially charged nature of such laws. The majority of those charged and convicted for such offenses are poor, from marginalized groups. They often suffer from complex behavioral, medical, and social problems that the criminal punishment system is unable to adequately address.<sup>2</sup> AIDS activist Sean Strub likens the disproportionate prosecution and punishment of potential HIV exposure or transmission to the

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<sup>1</sup> Jonathan E. Volk, et. al. “No New HIV Infections with Increasing Use of HIV Preexposure Prophylaxis in a Clinical Practice Setting,” *Clinical Infectious Diseases* (2015): 1-10.

<sup>2</sup> Carol L. Galletly and Zita Lazzarini, “Charges for Criminal Exposure to HIV and Aggravated Prostitution Filed in the Nashville, Tennessee Prosecutorial Region 2000-2010,” *AIDS Behav* 17, no. 8 (2013): 2624-36.

disproportionate prosecution and sentencing of those convicted of possession of crack cocaine versus those charged with powder cocaine.<sup>3</sup> One of those convicted under these laws is former college wrestler, Michael Johnson.

In 2013, two years before the Supreme Court decision in *Obergefell v. Hodges* ruled that the right to marry is guaranteed to same-sex couples by both the Due Process Clause and the Equal Protection Clause of Fourteenth Amendment to the United States Constitution, Johnson, a semi-literate, poor, black, and gay twenty-three-year-old was arrested in a predominantly white suburb of St. Louis, Missouri, for infecting two men with HIV and for “recklessly” exposing four others to it. News of Johnson’s arrest blew up across local broadcasts and spurred international headlines, with most stories openly framing him as a predatory monster. That there was an underlying racial component to Johnson’s case is not surprising given the media frenzy. Many of Johnson’s sex partners, including the men he was charged with exposing to HIV, were white.

News accounts exploited racial anxieties by featuring photos of Johnson’s dark-skinned, muscular, and shirtless torso and by pointing out that his online screenname was “Tiger Mandingo.” The word “mandingo” entered the American lexicon in the mid-1970s with the release of the eponymous Blaxploitation film about an ethnically West African Mandingo slave who is blackmailed by the mistress of the plantation into sex. Upon learning of their sexual indiscretions, the master kills the mistress, the Mandingo slave, and their newborn child. According to journalist Steven Thrasher, the film’s plot

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<sup>3</sup> For a while, the possession of one hundred times as much powder cocaine—the most popular form of the substance among white people—was required to net the same sentences mandated for possession of small amounts of crack cocaine, which has historically been associated with African-Americans. These racially disparate sentencing practices have resulted in far longer sentences for blacks convicted of cocaine possession and distribution. Sean Strub, “Criminalization 101,” *Poz*, Nov. 3, 2010. <https://www.poz.com/blog/criminalization-101>.

illustrates how black male sexuality, especially in regards to interracial sex, has historically been criminal and always been suspect in America.<sup>4</sup> In the thousands of recorded lynchings of black men documented by the Tuskegee Institute, about one in four were triggered by the alleged sexual assault of a white woman.<sup>5</sup> During Jim Crow segregation, any and all sexual relations between black men and white women were illegal, socially repugnant, and within the definition of rape.<sup>6</sup> Until the Supreme Court struck them down in 1967, anti-miscegenation laws outlawing marriage or sexual relations between different races were heavily enforced. It was only in 2000, when the last anti-miscegenation law was struck down and that was in spite of more than 40 percent of Alabama voters casting their ballots to keep the law in the state constitution.<sup>7</sup>

I cite Johnson's case because it alerts us to how racialized norms of sexual hygiene continue to shape and determine access to social membership. At the same time, I am interested in listening to the silences echoed throughout this case in order to hone in on what those silences tell us about race, homonormativity, and citizenship in the United States. With the exception of journalist Steven Thrasher, there were no Larry Kramers or Dan Savages who rallied behind Johnson. The responses on the part of the Human Rights Campaign and the National Gay and Lesbian Task Force to Johnson's case, in particular, and HIV criminalization, in general, paled in comparison to their mobilization behind same-sex marriage, hate crime legislation, and open military service. Sure, we can

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<sup>4</sup> Steven Thrasher, "How College Wrestling Star 'Tiger Mandingo' Became An HIV Scapegoat," *Buzzfeed*, Jul. 7, 2014, [https://www.buzzfeed.com/steventhrasher/how-college-wrestling-star-tiger-mandingo-became-an-hiv-scap?utm\\_term=.pb85Pr1Vm2#.thzJODGmb2](https://www.buzzfeed.com/steventhrasher/how-college-wrestling-star-tiger-mandingo-became-an-hiv-scap?utm_term=.pb85Pr1Vm2#.thzJODGmb2).

<sup>5</sup> "Lynchings: By State and Race, 1882-1968," University of Missouri-Kansas City School of Law, accessed Feb. 12, 2016, <http://law2.umkc.edu/faculty/projects/ftrials/shipp/lynchingsstate.html>.

<sup>6</sup> Gunnar Myrdal, *An American Dilemma*, rev. ed. (1944; repr., Piscataway, NJ: Transaction Publishers, 1995).

<sup>7</sup> Somini Sengupta, "Marry at Will," *The New York Times*, Nov. 12, 2000.

explain this response—or lack thereof—as another instance of white gay racism.

However, that would be an oversimplification that masks the political utility that the HIV/AIDS epidemic has played in the homonormalization of white gay men in the West. When we understand the relationship between HIV/AIDS and homonormativity, we are better equipped to make sense of the institutionalized apathy towards HIV criminalization from white gay leaders and mainstream gay rights organizations.

In this dissertation, *From Vice to Nice: Race, Sex, and the Gentrification of AIDS*, I have shown that white gay leaders, beginning in the mid-1980s, used the HIV/AIDS epidemic as the basis of white normative recovery. By this I mean that the HIV/AIDS epidemic witnessed the emergence of a white gay male identity and visibility through the development of a political movement for rights and recognitions. The HIV/AIDS epidemic provided gay community activists with an ideological platform—rooted in domestic consumerism, moral cleanliness, private property, and reproductive futurism—on which they could petition the state for citizen rights, benefits, and protections. Coinciding with the period in which market fundamentalism and policies tied to neoliberal ideology were on the rise, the HIV/AIDS epidemic provided for the anesthetization and co-optation of gay radical politics and, in turn, gave form to “homonormativity,” the normalization of white, middle-class gay and lesbian politics of sexual respectability. And yet, as my analysis of single mothers of color and sex workers of color at the height of the AIDS crisis makes clear, homonormativity was contingent on making poor, people of color the center of the panic around the virus. Since matters of sexual hygiene comprised a significant portion of the discourse on respectability, white gay leaders vouched for the worthiness of white gay men infected with the virus by

emphasizing their difference from the racialized poor, both heterosexual and homosexual. Under neoliberalism, citizenship and whiteness provided gay men and lesbians with a unifying platform against the racialized poor. The moral panic associated with HIV/AIDS, thus, served racial and political interests, employing the threat of non-white transmission to cultivate technologies of social control, including HIV criminalization, that, in turn, provided for the gentrification of central cities.

To illustrate this process of relational valuing—between white homonormativity and racialized sexual deviance—I looked at several cases of alleged sex workers of color, including Fabian Bridges. Like Johnson, Bridges was accused of recklessly exposing innocent others to HIV. Given the tremendous discursive weight that media-generated AIDS commentary and some portions of the political establishment placed upon the notion of promiscuity, gay community activists agonized that the general public and the political establishment would interpret Bridges’ “deviant” behaviors as representative of all gay men and, by extension, would risk the hard-won access, mobility, and respectability of community elites through the passage of sexually restrictive legislation, cuts in AIDS funding, and heightened anti-gay hate violence. To circumvent being lumped together with individuals like Bridges, white gay leaders implemented strategies of secondary marginalization.

On the one hand, gay community activists distanced individuals like Bridges from the larger community of gay men by agreeing with public health officials and law enforcement authorities that Bridges was, in fact, an abomination. On the other hand, white gay leaders conveyed alternate images of gay men that openly embraced a culture and politics of homonormativity vis-à-vis racialized norms of sexual hygiene. These

homonormalized images invalidated stigmatized representations of gay men as promiscuous, immoral, and deviant that were being disseminated throughout dominant channels. Accordingly, we must understand right-wing state ideologies and practices under the banner of family values and moral cleanliness as providing the historical conditions of possibility for homonormativity to materialize. Those in positions of power within the gay community insisted that “proper” and “respectable” behavior confirmed for dominant state agents and institutions that gay men were worthy of equal civil rights and social membership, something they believed could not be argued if gay men were regarded as promiscuous. Regardless of its specific manifestation, this practice of secondary marginalization enabled these leaders—in conjunction with the medical establishment, the mainstream media, and law enforcement authorities—to use moral panic discourses that were racialized to make poor, people of color the center of the panic around HIV/AIDS. Vis-à-vis the alleged non-normative gender and sexuality of the racialized poor, gay community activists were, thus, able to authenticate their civic competence and moral suitability for the heteronormative nuclear family and the rights, benefits, and protections associated with citizenship.

These moral panic discourses and racialized norms of sexual hygiene that the heads of the mainstream gay rights movement mobilized were reflective of deeper anxieties engendered by shifts in the political economy brought about by neoliberalism. The media-orchestrated HIV criminalization of poor, people of color with AIDS served a powerful symbol that unified “injured” white Americans as a group in the wake of neoliberalism’s ascendancy. For that reason, Bridges, and others like him, were meaningful to the extent that they served as a focal point around which white gay leaders

mobilized to fulfill the interests and investments of a homonationalism that petitioned the state for access into the cultural, political, and economic social order of white heteropatriarchy. They held Bridges as an instructive moral lesson for other gay men: not to engage in sex work; not to frequent bathhouses; in essence, not to be poor and black. The moral panic of HIV/AIDS was, thus, both a sexual and racial project and the basis of white normative recovery, all thinly disguised within the parameters of public health in an ostensibly colorblind society. As a repressive apparatus of the state, public health is designed to contain the mobility of the racialized poor. We can, hence, frame AIDS moral panic as the nucleus for producing respectability among white gay leaders and their constituents, a respectability politics that worked to criminalize the racialized poor and helped extend the law and the media's neoliberal advances.

In alerting us to the centrality of white injury in shaping public health and law responses to the HIV/AIDS epidemic, Bridges' case helps us contextualize the lack of action on the part of mainstream gay rights advocates and organizations in response to Johnson's arrest and conviction. In May of 2015, two hours after closing arguments, jurors found Johnson guilty of infecting and/or exposing his white gay sex partners. For this, Johnson was sentenced to 30 years in prison, a sentence far longer than the average sentence doled out for almost every other crime in the state, including second-degree murder at 25.2 years.<sup>8</sup> Johnson's conviction is the more troubling since it comes at a time when the epidemic's racialized and classed dynamics become increasingly difficult to ignore. Black gay men, bisexual men and transgender women are in a state of emergency

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<sup>8</sup> Steven Thrasher, "A Black Body on Trial: The Conviction of HIV-Positive 'Tiger Mandingo'," *Buzzfeed*, Nov. 30, 2015, [https://www.buzzfeed.com/steventhrasher/a-black-body-on-trial-the-conviction-of-hiv-positive-tiger-m?utm\\_term=.ypnAjeMpdx#.xryPLAZrRb](https://www.buzzfeed.com/steventhrasher/a-black-body-on-trial-the-conviction-of-hiv-positive-tiger-m?utm_term=.ypnAjeMpdx#.xryPLAZrRb).



when it comes to HIV/AIDS. According to the Centers for Disease and Control, more than one in four black gay and bisexual men and one in two black transgender women test positive for HIV, compared to .06 percent of the general population.<sup>9</sup> This discrepancy in HIV infection rates is enabled by discrimination and socio-economic factors linked to race which engender additional challenges to obtaining quality health care, housing, and education necessary for HIV treatment and care. The real crime here is that despite thirty years into this epidemic, the virus is still allowed to proliferate unabated in communities denied access to the basic tools of prevention, a reality that will likely widen in scope with President Donald Trump's administration toying with defunding the Ryan White Care Act.<sup>10</sup>

At the same time, these AIDS moral panic discourses that criminalized Bridges and that made a re-appearance in the prosecution of Johnson paved the way for the neoliberal restructuring of urban public spaces both through increased policing and the subsequent gentrification of those urban spaces. Moral panics, in particular those revolving around race and sexuality, were and remain central to the spatial implementation of neoliberal policies and practices.

### **Gay Marriage Travel.**

These racialized norms of sexual hygiene at the heart of gay rights-based claims for political enfranchisement and social membership provided for a shrunken public sphere and laid the foundation for the infrastructure of homonormative domestic privacy

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<sup>9</sup> "HIV Among African American Gay and Bisexual Men," *Centers for Disease Control and Prevention*, last modified September 26, 2016. <https://www.cdc.gov/hiv/group/msm/bmsm.html>.

<sup>10</sup> During his 2000 congressional campaign, Vice President-elect Mike Pence declared his intention to defund the Ryan White Care Act, which provides federal funding for HIV/AIDS patients, and use those funds for "conversion therapy." Liam Stack, "Mike Pence and 'Conversion Therapy': A History," *New York Times*, Nov. 30, 2016.

in line with the neoliberal restructuring of central cities. Public health constructions of normative gender, sexuality, and domestic space—so central to manifestations of gentrification—became effectively bound up with private development so that public health as an institution worked in the service of promulgating the economically prosperous potential of post-industrial inner-cities as centers of business, culture, and tourism. Initially, white gay men were perceived as being antithetical to the vision of the Twin Cities as a booming, modern, post-industrial metropolis.

Homonormativity, based in racialized norms of sexual hygiene, came to operate in the service of consolidating “whiteness as property” for a new batch of citizen-consumers. These dynamics are present in recent efforts by cities and municipalities, such as Minneapolis, to market themselves as “gay friendly.”

On September 3, 2013, then-Minneapolis Mayor R.T. Rybak held a press conference at the Center on Halsted in Chicago’s gay neighborhood of Boystown. Rybak urged gay couples in Illinois to tie the knot in Minneapolis under Minnesota’s then-new gay marriage law. One month earlier, Minnesota had become the 13<sup>th</sup> state in the nation to legalize same-sex marriage. That day, Rybak officiated the marriages of 46 same-sex couples, including a number who flew in from out-of-state. Because Minnesota and Iowa were the only two states in the Midwest that allowed same-sex marriage, Rybak saw this as a lucrative business opportunity. In partnership with Minneapolis’s convention and visitors’ association, Meet Minneapolis, Rybak launched the campaign, “Marry Me in Minneapolis.” Meet Minneapolis had even resorted to offering free wedding planning services for those who came. As part of the campaign, Rybak roamed throughout the Midwest, inviting same-sex couples in areas without legal same-sex marriage, including

Chicago, Milwaukee, Madison, and Denver, to visit his city and take the plunge (Figure 7.1).<sup>11</sup>

"Gay and lesbian couples now have the right to marry and celebrate the same way all other couples do — and we want to help!"

JODEE MCCALLUM  
Partner, Three Sons Catering

**HEY CHICAGO! I WANT TO MARRY YOU IN MINNEAPOLIS**

Until Illinois joins Minnesota in providing equal marriage rights for all, Jodee and thousands of other talented, supportive professionals are ready to help same-sex couples plan an unforgettable wedding day in Minneapolis. No matter where you live, Meet Minneapolis offers free planning services to help connect you with the city's best venues, vendors, designers, artists and more. [Visit minneapolis.org/LGBTweddings](http://visitminneapolis.org/LGBTweddings) or call 612-767-8104 to get started.

Minneapolis | Meet Minneapolis

1.800.445.7412 minneapolis.org

**Figure 7.1: Minneapolis ad firm Zeus Jones designed print ads appearing in Chicago newspapers encouraging same-sex couples to marry in Minneapolis, as part of Rybak's campaign, "I Want to Marry You in Minneapolis."**

<sup>11</sup> Kim Vatis and Marcus Riley, "Minneapolis Attempts to Lure Chicago Same-Sex Couples," *NBC Chicago 5*, last modified September 5, 2013. <http://www.nbcchicago.com/news/local/Minneapolis-Attempts-to-Lure-Chicago-Same-Sex-Couples-222189241.html>.

Rybak's campaign illuminates the processes through which same-sex marriage has come to operate as a marketplace activity through the sale of hotel rooms, flowers, and so forth; as a marketing strategy through the discursive production of "gay friendliness;" and as a homonormative set of behaviors through the performance of law-abiding, neoliberal citizenship. Although Minneapolis prides itself for being a liberal town with tolerant people—via a discourse and practice of Minnesota Nice—the region is also home to some of the nation's largest racial and socio-economic gaps. The narrative of tolerance at the helm of Rybak's campaign is, thus, predicated on the repression of those racial and property hierarchies. The discursive production of "gay friendliness" as an urban marketing strategy relies upon a logic of colorblindness that gives the neoliberal city free reign to apply a revanchist set of policies and practices against the racialized poor. Gay marriage travel as a manifestation of that homonormativity elevates a region's sexual tolerance at the same time that it shields the neoliberal city from anti-racist and anti-capitalist critiques. In Minneapolis, we are able to witness the simultaneity of state-sanctioned gay marriage travel while the racialized poor are systematically criminalized, incarcerated, and banished.

As I discuss in the introduction to this dissertation, the incursion of a post-industrial market logic into local urban governing structures has morphed cities into quasi-corporations that must then sell themselves to a professional-managerial class with global tastes. In order to differentiate themselves from other municipalities, cities re-create themselves as bastions of culture and consumption that fulfill the desires of a professional-managerial class of citizen-consumers. In a high-tech, financial and service-oriented economy, this class of executive and white-collar professionals asserts its social

status, in part, through consumption patterns. As a result, cities, in an effort to attract such residents, tourists, and capital, mobilize an ethos of cosmopolitanism in the form of racial diversity and sexual tolerance. These competitive strategies are reflective of Richard Florida's highly-debated creative class model, which explains that regional and local structures must reach out to the creative class should they seek to attract economic growth. The economic benefits made possible by the creative class—which includes gays, youth, bohemians, professors, scientists, artists, entrepreneurs, and the like—include outcomes in new ideas, new technology, and new creative content which, in turn, encourage regional growth. But, for a city to attract these highly-lauded members of the creative class, it must first personify the three main prerequisites of creative cities, what Florida calls “the three ‘T’s’”: Talent, Technology, and Tolerance. Here, Florida proposes the “Gay Index”—based on the proportion of same-sex households in a region—as a measure of that city's diversity, openness, and, overall, tolerance.<sup>12</sup> Rybak subscribed to Florida's creative class theories when he set out to travel throughout the Midwest in search of same-sex couples willing to tie the knot.

During this travels throughout the Midwest, Rybak made a feverish pitch for would-be newlywed same-sex couples to settle down in Minneapolis, a place he described as treating all people as “equals.” Speaking at the Center on Halsted, Rybak tried to reasoned with the crowd of professional white gay men and lesbians: “Ask yourself a question: If you were in a same-sex relationship and you wanted to start a business, would you rather start it in Chicago, where you are on your own, or come to Minneapolis where you can get married and that will give you rights to be on your

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<sup>12</sup> Richard Florida, *Cities and the Creative Class* (New York: Routledge, 2005).

partner's health insurance; so you can put that money into starting your business?"<sup>13</sup> In selling Minneapolis to these same-sex couples, Rybak appealed to their class interests. Although Rybak prided himself for being a passionate defender of "marriage equality," he was frank about wanting to capitalize on a lucrative new market of consumers. Rybak did not shy away from conceding his desire to take in millions for Minneapolis's hospitality and tax coffers. Expressing his enthusiasm before reporters in Chicago, Rybak marveled: "Even 20 weddings would be tens of thousands of dollars, maybe hundreds of thousands of dollars."<sup>14</sup> He was right. A study conducted by the Williams Institute, a think tank at the University of California School of Law, predicted a \$42 million boost to Minnesota's economy in the first three years of the new law, including \$28 million in new wedding spending and \$14 million through tourism from out-of-town guests.<sup>15</sup> Rybak conceded that the longer other Midwestern states (or the country as a whole) went without legalizing same-sex marriage, the more their loss would prove Minneapolis's economic gain.

Rybak's concessions make clear the political stakes of gay marriage travel. In her study of the impact of gay marriage on the gay travel market, historian Nan Alamilla Boyd argues that same-sex marriage as an urban marketing strategy hinges on patterns of conspicuous consumption that further the logics of neoliberalism.<sup>16</sup> Rather than being a mere act of municipal sexual tolerance or consumer sovereignty, gay tourism functions as

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<sup>13</sup> Cheryl V. Jackson, "Chicago first stop as Minneapolis mayor drums up gay marriage business," *Chicago Tribune*, Sep. 3, 2013.

<sup>14</sup> Don Babwin, "Mayor Invites Gay Illinois Couples to Wed in Minn," *Herald Times*, Sep. 4, 2013.

<sup>15</sup> Angeliki Kastanis and M.V. Lee Badgett, "Estimating the Economic Boost of Marriage Equality in Minnesota," *The Williams Institute UCLA School of Law*, last modified April 2013. <http://williamsinstitute.law.ucla.edu/research/economic-impact-reports/estimating-the-economic-boost-of-marriage-equality-in-minnesota/>.

<sup>16</sup> Nan Alamilla Boyd, "Sex and Tourism: The Economic Implications of the Gay Marriage Movement," *Radical History Review* 100 (2008): 222-35.

a neoliberal enterprise that molds white gay travelers into global citizens whose consumption practices sustain dominant patterns of consumption, production, and service. Boyd's point is that gay tourism conspires to produce a global gay citizen defined by an erotic affinity that subsumes material inequalities.

We can apply Boyd's conceptualization of gay tourism to underscore how gay marriage travel in Minneapolis also downplays widespread racial inequality.

Even though a city's perceived gay friendliness is designated to elevate that city's desirability, policymakers must ensure that the diversity they are promoting is one that sustains key tenets of neoliberalism, including a culture of entrepreneurship that heralds capitalist development and, by extension, consumer sovereignty as markers of human freedom. Neoliberalism seeks a cultural predisposition of its citizen-consumers that does not question its neoliberal discourses and policies of free markets and personal responsibility. To this extent, cities often celebrate the safest and most fundable forms of minority social difference. In terms of sexuality, this difference is often rooted in a culture and politics of homonormativity, a set of ideologies and practices constituting the gay and lesbian liberal platform that asserts citizenship rights for gay men and lesbians via neoliberal practices of conspicuous consumption, heteronormativity, and white supremacy. Homonormativity indexes the ways through which conspicuous consumption has come to be a stand-in for political enfranchisement. In her analysis of the mainstreaming of the gay and lesbian rights movement in the United States, Alexandra Chasin traces how marketers in the 1990s discovered the bountiful economic rewards of catering to the needs of this untapped gay market. Chasin argues that by transforming this overlooked population of consumers into a niche opportunity, the free market defined

mainstream gay subjectivity as it simultaneously delimited both the heterogeneity of queer consumers and of same-sex desires. Thus, Chasin declares that the market, by linking spending with social membership, pacifies identity-based social justice movements of their radical potentialities.<sup>17</sup>

Given that citizenship under neoliberalism is increasingly achieved through a mode of conspicuous consumption that does not challenge neoliberal logics, policymakers benefit from treating same-sex marriage as an economic transaction on the road towards political enfranchisement. When lobbying same-sex couples throughout the Midwest, Rybak's strongest selling point was the array of tax benefits that were to follow after the U.S. Treasury Department's decision that married same-sex couples would be treated as "married" under the federal tax code in all 50 states, even if the state where they lived did not recognize their union. Speaking in Chicago, Rybak told the crowd: "Commit to marriage. That will give you more than 1,100 federal rights immediately. You can hop on a plane this afternoon, go to Minneapolis and get married, and come home tonight and be eligible for veterans benefits, for all those other benefits, as well."<sup>18</sup> By equating spending with civil rights, Rybak framed same-sex marriage as a commodity necessary for participation in civil society. The commodification of gay marriage via marketplace activity, thus, produces a new kind of gay citizen, one who participates in civil life via the social rituals of marriage and the commercial rituals of conspicuous consumption. As a tourist attraction, an export commodity, and a marketplace activity, homonormativity is the lens through which policymakers interpellate white gay men and,

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<sup>17</sup> Alexandra Chasin, *Selling Out: The Gay and Lesbian Movement Goes to Market* (New York: St. Martin's Press, 2000).

<sup>18</sup> Greg Henderson, "Mayor to Gay Couples: 'I Want To Marry You In Minneapolis'," *NPR*, Sep. 5, 2013.



to a lesser extent, lesbians as neoliberal model minority citizens in the creative class economy.

One of the most significant limitations to using homonormativity as an urban marketing strategy in a participatory democracy is that it renders possible the application of revanchist policies against the racialized poor. On account of its reliance on conventional forms of family and kinship, homonormativity is performed in contradistinction to the racialized subject whose gender and sexuality are construed as deviant. By celebrating particular manifestations of minority social difference, ones that forward a neoliberal rationality, the neoliberal revanchist city is, hence, afforded an opportunity to crack down on those other instances of difference that *do* threaten the city's reputation as a liberal, modern, and pristine city. According to this logic, a city's policymakers cannot possibly be intolerant of minority social difference if they eagerly set out the welcome mat for same-sex couples. This set of contradictions was clearly articulated in journalist Derek Thompson's controversial March 2015 article for *The Atlantic* titled, "The Miracle of Minneapolis," in which he celebrated Minneapolis as one of the best places in the nation to live.

Thompson argued that tolerance and talent were of two of the overarching factors that rendered this Upper Midwest city an ideal place to live. Thompson marveled that Minneapolis's recent college graduates faced little difficulty finding work. He also pointed out that the Twin Cities was home to more corporate headquarters per capita than anywhere in the nation. These included Target, Best Buy, and General Mills. And, Thompson gawked that housing was more affordable than in other municipalities. He failed, however, to note that this was true so long as one earned more than the minimum

wage. Thompson attributed Minneapolis's success to the generous swath of educated middle-class workers and to the city's isolation that discouraged people from moving elsewhere. On top of these two advantages, he credited two policies that distributed the rewards and responsibilities of growth. In 1971, municipalities in the Twin Cities metro area agreed to share a portion of their commercial property tax revenue to a fund that would be invested directly back into the community. Also, in 1976, state legislators passed a law requiring that every neighborhood in the metro region build affordable housing.<sup>19</sup>

Nevertheless, these policies, which were designed to keep the poorest areas from falling behind in Minneapolis, were implemented at a time when the population in Minnesota looked markedly different from what it looks like today. As historian Jessica Nickrand points out, these equitable growth policies were designed to largely benefit white people. In the 1970s, the Minneapolis area was 94 percent white and 2 percent black. Few people lived in segregated areas because there were few people of color. Not surprisingly, it was easier to implement these redistributive tax agreements when residents saw people who looked like them as beneficiaries of these programs. Today, just as these policies have been significantly curtailed, the non-white population in the Twin Cities has grown to 20 percent.<sup>20</sup>

Despite the tolerance and talent lauded by Rybak and Thompson, Minneapolis is home to a number of deep-seated racial disparities. A recent study by WalletHub, a personal finance site, after analyzing census indicators such as household income,

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<sup>19</sup> Derek Thompson, "The Miracle of Minneapolis," *The Atlantic*, Mar. 2015 issue.

<sup>20</sup> Jessica Nickrand, "Minneapolis's White Lie," *The Atlantic*, Feb. 21, 2015.  
<http://www.theatlantic.com/business/archive/2015/02/minneapolis-white-lie/385702/>.

homeownership, and educational attainment, found that Minnesota had the largest racial poverty gap in the country. In fact, black residents in the Twin Cities live below the poverty line at a rate three times greater than that of white residents. Banks in the Twin Cities have also been found to be nearly four times more likely to give high-income black residents subprime loans than their poor white counterparts, a national lending practice that contributed to the housing crash of 2008. Defaulting on subprime loans has, in turn, fueled the gentrification of predominantly black neighborhoods, such as north Minneapolis which has become an appealing destination for white, same-sex households. Although Minnesota consistently earns national rankings for its students' reading, math, and college-entrance exam scores, it is one of the worst states in the country for its non-white students. And, the Twin Cities, which is home to most of Minnesota's non-white population, also possesses the country's highest rates of racial employment discrepancy.<sup>21</sup>

In terms of housing, the affordable housing that Thompson praised is largely unavailable to the cadre of low-income renters who are in most need of stable living arrangements. Private developers have spatially concentrated the little affordable housing that is being built on the peripheries of downtown Minneapolis, further clustering the racialized poor. Making matters worse, a recent boom in the luxury apartment market has been instrumental in reducing affordable housing for the city's low-income renters. In 2013, 3,100 new apartments opened in Minneapolis, more than any other year. But, the significant majority of these high-end units were priced at the upper end of the market with most renting \$2 a square foot or \$24,000 a year for 1,000 square feet.<sup>22</sup> With an average rent across the Twin Cities of \$1,007 per month, Minneapolis is now home to the

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<sup>21</sup> Ibid.

<sup>22</sup> Burl Gilyard, "What's driving the Twin Cities' apartment mania?" *Twin Cities Business*, Sep. 20, 2013.

10<sup>th</sup> most expensive real estate market in the nation.<sup>23</sup> Despite high rents, demand has not lessened. On the contrary, the pace of rentals exceeds the volume of units created, in part by the influx of newly-descending young, urban professionals. At the end of the third quarter in 2014, Minneapolis had an apartment vacancy rate of 2.1 percent, compared with 4.2 percent nationally.<sup>24</sup> Given low vacancy rates in an apartment market saturated with high rents, more and more residents find themselves in precarious housing situations. In 2015, on any given night in Hennepin County, more than 3,000 people experienced homelessness.<sup>25</sup> Although just 5 percent of the overall Minnesota population, African-Americans represent about 39 percent of homeless adults statewide. American Indians represent about 8 percent of homeless adult statewide but just one percent of the overall adult Minnesota population.<sup>26</sup>

Policymakers in Minneapolis are, thus, faced with having to manage surplus populations, or the physical detritus of neoliberal capitalism, while at the same time highlighting the city's economic, political and social benefits of and for same-sex couples. We can locate this task within the arsenal of the neoliberal revanchist city. As Neil Smith defines it, revanchist anti-urbanism is "a reaction against the supposed 'theft' of the city [by people of color], a desperate defense of a phalanx of privileges, cloaked in the populist language of civic morality, family values, and neighborhood security."<sup>27</sup>

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<sup>23</sup> Jim Buchta, "As apartment building surges in the Twin Cities, so does demand," *Star Tribune*, Nov. 4, 2014.

<sup>24</sup> Burl Gilyard, "Metro Apartment Vacancy Remains Low," *Twin Cities Business*, Oct. 28, 2014.

<sup>25</sup> Steve Brandt, "Homelessness increase despite decade-long push to end it in Minneapolis, Hennepin County," *Star Tribune*, Feb. 28, 2016.

<sup>26</sup> "Homelessness in Minnesota: Findings from the 2015 Minnesota Homeless Study," *Wilder Research*, accessed December 15, 2016, <http://mnhomeless.org/minnesota-homeless-study/homelessness-in-minnesota.php#>.

<sup>27</sup> Neil Smith, *The New Urban Frontier: Gentrification and the Revanchist City* (New York: Routledge, 1996), 211.

Revanchist anti-urbanism is perhaps most clearly illustrated in measures passed to address minor “quality of life” violations. Quality of life provisions criminalize behaviors previously understood as noncriminal and are often selectively enforced. These laws are mobilized to increase enforcement of such practices as juvenile curfews, and to prohibit activities such as graffiti, loitering, panhandling, public sleeping, and street vending. Because they largely target those living on the streets or using public spaces, these laws disproportionately impact homeless people and precariously-housed people including low-income women of color and youth who have limited access to private spaces. Moreover, these laws beg the question of quality of life for the betterment of whose life?

Although a revanchist anti-urbanist logic would have us assume that the arrival of same-sex couples would similarly ignite a firestorm of opposition from residents, Rybak’s unraveling of the proverbial welcome mat to same-sex couples underscores the political implications that a discourse of “gay friendliness” entails for a city’s economy. American cities continue to market themselves as cosmopolitan in terms of the flow of capital and culture, commodities and information. Nevertheless, the promotion of same-sex marriage—an institution that does not challenge neoliberal discourses and practices—as a tourist draw erases the economic plight of the racialized poor. In the case of Minneapolis, the promotion of gay marriage travel elides a critical focus on the city’s widespread racial disparities; it does not question a lack of affordable housing, unemployment, homelessness, or abject poverty. Instead, queer liberalism, as articulated by gay marriage travel, disavows race in the name of freedom, progress, and capital accumulation. But, as Chicana feminist scholar Cherrie Moraga reminds us, progress

does not always entail progressive politics.<sup>28</sup> The real miracle of Minneapolis is one that sanitizes these material realities and repackages them as the just desserts of cultural deficiencies and individual shortcomings. For that reason, we can treat gay marriage travel as registering the symbolic banishment of those populations unable to conform to racialized norms of sexual hygiene and, by extension, unable to sustain the racial and economic social order of the city.<sup>29</sup>

### **Queer Liberalism and Neoliberal Multiculturalism.**

My dissertation has explored how the extension of liberal rights to privacy and family for white, middle-class same-sex households relates to the economic dispossession, political disenfranchisement, and social marginalization of the racialized poor via spatial biopolitics. Gay gentrification in Minneapolis is quite different than that witnessed in Chicago, Los Angeles, New York City, and San Francisco. The difference is rooted in the local history of white liberalism in Minnesota. As I have shown throughout this dissertation, a discourse and practice of Minnesota Nice underpinned the domestication of unruly white gay men into model minority citizens, and contributed to the gentrification of Minneapolis' red-light and vice districts. Through Minnesota Nice, white liberalism reproduces patterns of inequality under a seemingly anti-racist, gay-friendly guise. As a neoliberal racial project, Minnesota Nice denies race in order to

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<sup>28</sup> Cherrie L. Moraga, *A Xicana Codex of Changing Consciousness: Writings, 2000-2010* (Durham, NC: Duke University Press, 2011).

<sup>29</sup> According to Katherine Beckett and Steve Herbert, banishment functioning as a form of urban social control through the spatial exclusion of idle, vagrant and socially threatening bodies from urban public spaces has made a reappearance amid the proliferation of neoliberal policy and its attendant physical manifestation of gentrification. The modern incarnation of banishment conflates criminal law with civil legal authority conferring police the liberty to regulate, criminalize and incarcerate subjects for behaviors otherwise deemed misdemeanors. At the same time, the novel legal articulation of banishment withdraws rights from those same targeted bodies delimiting their venues for legal recourse. See: Katherine Beckett and Steve Herbert, *Banished: The New Social Control in Urban America* (New York: Oxford University Press, 2010).

inaugurate a racial politics of color-blindness that is conducive to capital accumulation. Rybak's gay marriage campaign makes explicit that city officials in Minneapolis used white homonormativity to assess and advertise the economic and moral health of the region. As such, I argue that the incorporation of white, middle-class same-sex households obscures the state's deployment of violent regulatory mechanisms against racially devalued subjects.

Under neoliberalism, the state reconstitutes its power through discourses of family values and through mandates of multicultural inclusion. In our post-civil rights juncture of "colorblindness," dominant white society employs racial frames that downplay racial difference, all in the name of so-called equality, freedom, and progress. Dominant white society contends that since discrimination based on biological factors is no longer *de jure*, disparate racial outcomes can be explained away as mere instances of cultural deficiencies or individual shortcomings, not institutional policies or structural processes. And yet, those groups that were once subordinated under biological conceptualizations of race continue to be disenfranchised and dispossessed under the new colorblind racial order; if anything, the venues of critique are merely lessened. This economic disenfranchisement persists because race continues to determine and structure both the public and private spheres in ways that shape our material realities.

In *The Feeling of Kinship*, queer theorist David L. Eng traces the historical emergence of what he calls "queer liberalism" on the conventional structures of family and kinship in the United States. Eng explains that queer liberalism "articulates a contemporary confluence of the political and economic spheres that forms the basis for the liberal inclusion of particular gay and lesbian U.S. citizen-subjects petitioning for

rights and recognition before the law.”<sup>30</sup> Queer liberalism presents the joining of a particular set of economic and political circumstances that spearhead the liberal inclusion, rights, and recognitions of gay and lesbian U.S. citizen-subjects free and willing to abide by the normative decrees of the U.S. nation-state, including racialized norms of sexual hygiene. Queer liberalism is marked by the merging of a mass-mediated, visible gay consumer lifestyle with juridical protections for gay and lesbian rights to intimacy and privacy. No longer excluded from the conventional structures of family and kinship, gay men and lesbians are inhabiting these structures in growing numbers and in increasingly public and visible ways. Nonetheless, what has been excised in the process, Eng laments, is the effort to abolish state oppression through a concomitant radical critique of family and kinship.

In mapping out the historical conditions of possibility for queer liberalism, Eng argues that colorblindness renders possible the emergence of homonormativity, or gay freedom. The occlusion of race within the private domain of family and kinship structures—what Eng calls the “racialization of intimacy”—consolidates queer liberalism as the latest incarnation of liberal freedom and progress. Through its promulgation of an abstract equality—one articulated through the rhetoric of colorblindness and divorced from materiality—queer liberalism sublimates the rhetoric of race into the area of intimacy and privacy. Due to its active management and systematic disassociation of race

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<sup>30</sup> As I see it, the similarities between Eng’s concept of queer liberalism and Duggan’s concept of homonormativity is that both attend to the shift by the mainstream gay rights movement towards rights-based claims on the state for citizenship via domesticity, intimacy, privacy, and responsibility. However, Eng builds upon that shift by elaborating how the homonormalization of white, middle-class same-sex households has been achieved through the repudiation of race as a “completed” project in U.S. liberalism. David L. Eng, *The Feeling of Kinship: Queer Liberalism and the Racialization of Intimacy* (Durham, North Carolina: Duke University Press, 2010), 3.



from sexuality, queer liberalism, therefore, denies intersectionality.<sup>31</sup> Anchored within a logic of colorblindness, queer liberalism facilitates the forgetting of race and, by extension, enforces the racially disparate material redistribution of resources. Instead, queer liberalism interprets socio-economic disparities as the product of people's unwillingness to play by the rules of the neoliberal market. From this perspective, queer liberalism operates in the service of the state and capital by allowing these entities to continue inflicting racial violence without critique. Not having to attend to racial genealogies of materiality, queer liberalism simply assumes that intimacy and privacy exist outside capitalist relations of domination and exploitation. But, as I indicate in my discussion of the privatization of public housing in north Minneapolis, these domains are anything but free of racialized labor.

As the latest incarnation of whiteness as property, queer liberalism not only signals the homonormalization of gay and lesbian sexuality, it also marks the differential distribution of that intimacy as what Eng describes a "racialized property right." In his reading of the 2003 U.S. Supreme Court ruling of *Lawrence v. Texas*, Eng writes that the decision extended "a long Enlightenment liberal tradition of privacy, a political right to be protected," to a subset of "domesticated" gay men and lesbians "willing (and able) to accept a heteronormative version of bourgeois family, domesticity, and marriage," or those that subscribed to racialized norms of sexual hygiene.<sup>32</sup> In reversing *Bowers*, the Supreme Court honed in on "intimate sexual conduct" as a fundamental right to privacy and intimacy, "an integral part of human freedom" between couples; it did not so much as

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<sup>31</sup> Ibid.

<sup>32</sup> Ibid., 16-17.

focus on same-sex sodomy.<sup>33</sup> By uprooting gay men and lesbians from the public sphere, *Lawrence* domesticated these subjects as it concomitantly repudiated one of the central tenets of gay liberation: the right to homosexual difference and expression in public. When it struck sodomy down among same-sex couples, *Lawrence*, therefore, reinscribed the traditional divide between the public and the private for a new cohort of possessive individuals.

The homonormalization of gay and lesbian sexuality, nonetheless, has demanded treating intimate sexual conduct as a “racialized property right” that inducts the long legal legacy of property and racial privilege in U.S. law—whiteness as property—into the contemporary moment of colorblindness. Intimacy as a racialized property right is born out of a long history of racial subordination that denied people of color access to the conventional structures of family and kinship, and to the concerted legal defense of white entitlement to space, in general, and private property, in particular. Although Eng attributes intimacy as a “racialized property right” emerging with *Lawrence*, the linkage between intimacy and private property, I argue, came to fruition as a result of the racialized norms of sexual hygiene standardized by the HIV/AIDS epidemic. What Eng calls queer liberalism, Duggan homonormativity, and Puar homonationalism, thus, has a longer history we can trace to the 1980s. Even so, if queer liberalism marks the inauguration of gay men and lesbians into that racial project of whiteness as property, then we can begin to understand how gay freedom is inextricably intertwined with shifts in the political economy of central cities in late capitalism, most notably gentrification. Advanced gentrification, like queer liberalism, extracts its legitimacy from colorblind

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<sup>33</sup> *Lawrence v. Texas*, 539 U.S. 558 (2003).

rhetoric of consumer choice. By virtue of the shared investment in colorblind rhetoric, the confluence of queer liberalism with gentrification has so readily benefitted neoliberal capital.

Because queer liberalism necessitates a forgetting of race, it is through homonormativity that genealogies of racial domination and spatial segregation are methodically expunged from the record of U.S. liberalism. For this reason, the permutations of the public and private spheres under neoliberalism—gentrification included—have largely depended on the active management of race vis-à-vis sexuality. As I have argued throughout this dissertation, neoliberalism secures its legal, moral, and social claims through the configuration of normative gay and lesbian U.S. citizen-subjects as the new model minority in the creative age. As an ideological apparatus of neoliberalism, queer liberalism—through the mobilization of racialized norms of sexual hygiene—exploits racial difference to expand idealized notions of family and kinship to be inclusive of white, middle-class same-sex households. In as much as the state—under neoliberalism—recalibrates its dominance through discourses of family values (i.e., domestic consumerism, moral cleanliness, private property, reproductive futurism) and through its mandates of multicultural inclusion, we can treat queer liberalism as the latest iteration of neoliberal multiculturalism in our current colorblind juncture.

Through each successive racial era, U.S. law has readjusted whiteness as property, instead of merely nullifying whiteness—a pattern I illustrate in my discussion of the racial reconsolidation of whiteness under HIV/AIDS. According to literary critic, Jodi Melamed, neoliberal multiculturalism is the most recent incarnation of that readjustment of whiteness. This ethos renews U.S. global ascendancy by administering

the contradictions of race and capitalism. It accomplishes such a feat by masking the centrality of race to the enactment of capitalist domination and exploitation—both here and abroad. At the same time, however, neoliberal multiculturalism does not make way with race. Rather, it posits the market as the purveyor of solutions to racial and class disparities. In deputizing the market as the arbiter of equality, neoliberal multiculturalism conflates economic rights as the most pressing form of civil rights. Melamed explains that under neoliberal multiculturalism, neoliberalism is celebrated as the conduit to a multicultural, post-racist world order of freedom and opportunity.<sup>34</sup> In other words, neoliberal multiculturalism justifies key tenets of neoliberalism—deregulation and privatization—in order to confer “freedom” upon previously marginalized racialized populations.

Neoliberal multiculturalism creates new racial subjects by differentiating between newly valued collectivities and continuously demonized groups. As the latest incarnation of official state-sanctioned anti-racism, neoliberal multiculturalism offers the state with the vocabulary to ascribe value to subjects depending on their ability to advance key tenets of neoliberalism, including self-entrepreneurship. Considering that neoliberal multiculturalism provides for the inscription of newly valued subjects, older conventional ideas of race, class, gender, and sexuality are unevenly sutured onto new iterations of privilege and stigma, in ways that transgress the conventional color line. Although ascriptions of value and valuelessness are unevenly detached from overt references to race, their mobilization still occasions significant racial violence in that it erases the differentials of power, value, and social death between and within marginalized

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<sup>34</sup> Jodi Melamed, *Represent and Destroy: Rationalizing Violence in the New Racial Capitalism* (Minneapolis, MN: University of Minnesota Press, 2011).

communities. This development is paramount to sustaining some of neoliberalism's most egregious practices without the explicit accusation of racism. Precisely because some people of color and some queers are now included under the fold of the state, acts of violence sanctioned by the state do not register as racist, but rather as necessary steps taken to ensure safety and security, to maintain freedom. Thus, by portraying the equality of the free market as the most important purveyor of racial justice, neoliberal multiculturalism masquerades the racialized social and economic structures of neoliberalism and, in the process, renders it more facile to explain away systemic failures in economic and social transactions as the product of personal characteristics and decisions.

Under neoliberalism, citizenship has shifted to coincide with the state promotion of self-entrepreneurship. In extending rights and benefits, citizenship bestows social membership within the home of the nation. However, it never remains static. Instead, it undergoes mutations to cohere around socio-economic developments. It is this ability to be "flexible" that makes citizenship such a vital instrument in the regulation of subjects. Cultural anthropologist, Aihwa Ong, argues that citizenship under neoliberalism and, in turn, social membership are no longer dispersed on the basis of birthright or naturalization within a nation-state. Instead, Ong claims that citizens who are deemed "too complacent or lacking in neoliberal potential may be treated as less-worthy subjects." She concludes, "We are beginning to see a detachment of entitlements from political membership and national territory as certain rights and benefits are distributed to bearers of marketable talents and denied to those who are judged to lack such capacity or

potential.”<sup>35</sup> Ong’s point is that the infiltration of market logic into modes of governance has impacted the dissemination of rights and benefits so that those subjects with entrepreneurial value are more likely to reap the privileges of citizenship. This differential citizenship enables valued subjects to exercise citizenship-like entitlements beyond national borders, while devalued subjects lose elements of citizenship both at home and abroad. Even though overt racism appears to be dwindling, or so popular lore would have it, neoliberalism continues to exert inequality in allegedly non-racist ways.

Melamed and Ong’s analysis elucidates that a neoliberal ethics of multiculturalism bestows privilege or stigma upon those subjects who exemplify neoliberal subjectivity by adhering to a moral calculus of feminist, law-abiding, multicultural, and reasonable. I would expand that moral calculus to include racialized norms of sexual hygiene. According to this line of thinking, if newly valued subjects include those law-abiding and rational citizens who do *not* engage in public sex, then those devalued subjects who do engage in public sex comprise the opposite of such criteria. The racialized poor, including single mothers of color and sex workers of color, for not advancing certain traits of neoliberalism are divested of their citizenship. Their marginalization underscores how social value needs negativity for its existence. Or, as Lisa Cacho aptly puts it, value is made intelligible relationally and, by extension, violently.<sup>36</sup> What neoliberal multiculturalism also makes clear is that new forms of displacement occur alongside new forms of ascension and mobility. This is clear in a study conducted by the Pew Research Center in 2011 that found Americans were more

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<sup>35</sup> Aihwa Ong, *Neoliberalism as Exception: Mutations in Citizenship and Sovereignty* (Durham, NC: Duke University Press, 2006), 16.

<sup>36</sup> Lisa Cacho, *Social Death: Racialized Rightlessness and the Criminalization of the Unprotected* (New York City: New York University Press, 2012).

accepting of gay and lesbian parents than they were of single mothers.<sup>37</sup> If neoliberalism displays the racialized devaluation of human life—a process that is inherently gendered and sexual in nature—then we desperately need an approach that re-centers race and materiality, one that attends to the interconnections between such formations with gender and sexuality.

### **Women of Color Feminism and Queer of Color Critique.**

Seeing that neoliberal multiculturalism and queer liberalism register the state's co-optation of single-issue identity politics and minority social difference, we are in need of politically mobilizing along axes other than identity. Given the ascendancy of neoliberal practices and policies, we need a more robust politics of intersectionality, one that impedes the colorblind impulse to detach race and sexuality from materiality. This need is made abundantly clear in attempts to defeat HIV criminalization. It is inappropriate to speak of AIDS in disadvantaged communities without also widening our scope of analysis to engage matters of social justice, including unemployment and mass incarceration. Otherwise we run the risk of being unable to articulate how the life choices of those most vulnerable, such as Bridges and Johnson, are systematically constrained by structural racism and material inequality. In short, we jeopardize "privatizing" their AIDS diagnoses as the result of supposed irresponsible decisions and pathological desires. What

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<sup>37</sup> According to a nationally representative report of 2,691 Americans conducted by the Pew Research Center in 2011, respondents were more accepting of gay and lesbian parents than single mothers. Researchers found that a third of respondents (dubbed "Acceptors") were comfortable with a wide variety of family arrangements. Another third ("Rejecters") considered non-traditional situations to be detrimental to the social fabric of the nation. The final third of respondents ("Skeptics") were varied in their positions with some accepting of some arrangements, but not others. The vast majority of Acceptors and Skeptics approved of gay and lesbian families. Some even argued that these specific non-traditional arrangements entailed benefits to society. However, the vast majority of respondents, 99 percent of Skeptics and 98 percent of Rejecters disagreed with women raising their children alone. Linda Carroll, "Gay families more accepted than single moms," NBC News, Mar. 3, 2011. <http://www.pewresearch.org/daily-number/disapprove-of-single-mothers/>.

the cases of Bridges and Johnson confirm is that any attempt to combat HIV criminalization must be made in earnest collaboration with efforts to fight racism, homophobia, transphobia, xenophobia, and economic and political disenfranchisement. As Cathy Cohen reminds us, we can unearth a cure for the virus someday, but if we do not pay heed to the institutional contexts and wider patterns under which HIV/AIDS materialize, we will not politically emancipate those communities made most at risk from their marginalized position in American society.<sup>38</sup>

Rights-based movements, such as the mainstream gay rights movement in the 1980s, are useful, but limited in large part because they rely on single-issue platforms that fail to take into account the violent nature of relational valuing. My dissertation confirms the limitations integral to identity-based and nationalist forms of collectivity, especially in regards to neoliberalism. Moreover, if neoliberalism produces new racial formations as Melamed and Ong theorize, we must also develop new comparative technologies in the study of race. Whatever form these reading practices take, they must be equipped with the infrastructure to make sense of the gendered and sexual nature of racialized devaluation. Furthermore, because racial formation does not occur as a discreet phenomenon, these comparative models must highlight the significance of relational valuing in the consolidation of racial hierarchies. As Roderick A. Ferguson and Grace K. Hong argue, women of color feminism and queer of color critique, in registering sexuality as constitutive of race, provide a critical aperture from which we can cultivate

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<sup>38</sup> Cathy J. Cohen, "Black Sexuality, Indigenous Moral Panics, and Respectability," in *Moral Panics, Sex Panics: Fear the Fight over Sexual Rights*, ed. Gilbert Herdt, (New York: New York University Press, 2009), 104-129.



reading practices that allow us to process the complexity of cultural belonging and social membership in our current neoliberal juncture.<sup>39</sup>

Women of color feminism and queer of color critique question identitarian and nationalist modes of political organization by forging alternative understandings of collectivity, power, and subjectivity that lie outside the dictates of neoliberalism.<sup>40</sup> Their method names the material conditions of racialized violence, which Western epistemologies all too easily dislodge onto narratives of cultural deficiency and individual shortcomings. To that extent, women of color feminism and queer of color critique organize around difference, not sameness.<sup>41</sup> For that reason, these reading

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<sup>39</sup> Roderick A. Ferguson and Grace K. Hong, ed., "Introduction," in *Strange Affinities: The Gender and Sexual Politics of Comparative Racialization* (Durham, NC: Duke University Press, 2011).

<sup>40</sup> Arising out of the global neoliberal restructuring of capital in the 1970s and early 1980s, women of color feminism arose to make sense of the heteropatriarchal investments of cultural and revolutionary nationalisms, and the racially normative criteria of second-wave feminism and gay liberation politics. This new political order of neoliberalism was one informed by a service-oriented economy of finance, insurance, and law. This shift towards service economies relied on the gendered labor of women of color as its propelling force. However, under a single-issue lens of gendered oppression employed by second-wave feminists, the lived experiences of women of color were rendered illegible. As a result, women of color feminists called into question the racialized interpretations of womanhood by providing alternative epistemologies for engaging gender, feminism, and political organizing. They promoted intersectional analysis as central to the expression of the material conditions and the lived experiences of multiply positioned social actors, such as women of color. Women of color feminism, nonetheless, operates as more than a mere political formation. It is also a comparative methodology, or reading practice, that explicates the means through which differently produced subjectivities are formed in relation to one another according to the demands and contradictions of capital. Because it adheres to an intersectional analysis, women of color feminism employs difference as an analytical category and it stresses the importance of multiple-issue coalitional politics for multiply positioned social actors. In undermining the naturally-assumed relationship between attributes, actions, and desires in identity politics, women of color feminism disorganizes the very notion of a fixed identity. See: Grace K. Hong, *The Ruptures of American Capital: Women of Color Feminism and the Culture of Immigrant Labor* (Minneapolis: MN: University of Minnesota Press, 2006).

<sup>41</sup> Queer of color critique provides us with an analytic to make sense of the contradictions of capital and the demands of nation-state formations which queer theory, with its dismissal of race and materiality, is unable to successfully achieve. Roderick A. Ferguson defines queer of color critique as an analytic that "interrogates social formations as the intersections of race, gender, sexuality, and class, with particular interest in how those formations correspond with and diverge from nationalist ideals and practices." Extending the critical endeavors of women of color feminist practice, queer of color critique employs materialist analysis and queer critique to "contradict the idea of the liberal nation-state and capital as sites of resolution, perfection, progress, and confirmation." In challenging the assumptions of discrete, stable and fixed identitarian formations, queer of color critique takes up the limitations of queer critique by centering political economy, racial formation and an intersectional analytical framework. An intersectional analytical framework evinces how particularities of gender and sexuality impact racial formations to

practices make possible what was once considered unthinkable—a language to describe coalitional movements outside normative criteria of discreteness and sameness.

Women of color feminism and queer of color critique situate culture as the medium for the production of alternative modes of affiliation and comparison. The melding of culture and citizenship—cultural citizenship—theorizes home not as an affective component that endorses a politics of privatization. Instead, cultural citizenship, as developed by cultural anthropologist Renato Rosaldo, denotes everyday practices of belonging in a participatory democracy despite differences of race, class, gender, or sexuality.<sup>42</sup> Diaspora studies scholar Lok Siu elaborates upon Rosaldo's definition by adding that cultural citizenship encompasses the "behaviors, discourses, and practices that give meaning to citizenship as lived experience" amid "an uneven and complex field of structural inequalities and webs of power relations."<sup>43</sup> Because citizenship has been primarily based on civic, economic, and political terms, cultural anthropologist Sunaina Marr Maira argues that this traditional model of citizenship is unable to render intelligible the cultural practices of membership in the nation-state.<sup>44</sup> In addition to being incompetent at ensuring the legal protection of the racialized poor, legal citizenship is unable to attend to the neoliberalization of citizenship as discussed by Melamed and Ong. Without equal protection under the law, we must therefore devise new strategies that vouch for the rightful belonging of the racialized poor in public urban spaces. What I am

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produce specific material conditions and lived experiences. Roderick A. Ferguson, *Aberrations in Black: Toward A Queer of Color Critique* (Minneapolis: University of Minnesota Press, 2004), 149, 3.

<sup>42</sup> Renato Rosaldo, "Cultural Citizenship and Educational Democracy," *Cultural Anthropology* 9, no. 3 (1994): 402-11.

<sup>43</sup> Lok Siu, "Diasporic Cultural Citizenship: Chineseness and Belonging in Central America and Panama," *Social Text* 19, no. 4 (2001): 9.

<sup>44</sup> Sunaina Marr Maira, *Missing: Youth, Citizenship, and Empire After 9/11* (Durham, NC: Duke University Press, 2009).

calling a “spatial disidentification” can help us make sense of the quotidian practices of inclusion performed by marginalized subjects in a neoliberal landscape of central cities.

As an example of cultural citizenship, spatial disidentification describes the strategies enacted by the racialized poor to contest their devaluation within commodified spaces of the neoliberal city.<sup>45</sup> For instance, homeless queer and trans youth of color in Chicago’s Boystown mobilize such spatial disidentificatory strategies to navigate through the racist, classist, homophobic, and transphobic social milieu of that gay neighborhood. The youth do not shop in the exclusive boutiques because they do not have the economic means to do so. They also do not frequent the posh nightclubs that such a neighborhood offers since most of this youth are underage. But, even so, this youth rejects the mainstream gay rights impulse towards spatialized homonormativity of domesticity, private property, and respectability as the preferred means for conveying social membership. Traditional community stakeholders of Boystown, like community activists, residents, business owners, and policymakers, market the neighborhood as a safe space, complete with sanitized doses of sexual difference. That representation of Boystown, however, requires that stakeholders uphold a type of cultural performance that does not drive capital away. Unable to abide by this cultural ethic, homeless queer and trans youth of color are portrayed as idle, recalcitrant, and vulgar. Still, in spite of not having property ties to the neighborhood, the youth lay claim to Boystown. The youth socialize

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<sup>45</sup> Queer studies scholar José Esteban Muñoz defines a disidentification “to be descriptive of the survival strategies the minority subject practices in order to negotiate a phobic majoritarian public sphere that continuously elides or punishes the existence of subjects who do not conform to the phantasm of normative citizenship.” As a simultaneous disavowal and negotiation, disidentification operates as “a third mode of dealing with dominant ideology, one that neither opts to assimilate within such a structure nor strictly opposes it...a strategy that works on and against dominant ideology.” José Esteban Muñoz, *Disidentifications: Queers of Color and the Performance of Politics* (Minneapolis: University of Minnesota, 1999), 4, 11.

with one another at the wee hours of the morning; they “vogue” in public; or they engage in illicit practices such as sex work or drug use. Truth be told, I am not trying to romanticize the plight of homeless queer and trans youth of color. Their material realities circumscribe their life choices in very violent ways. I am, nonetheless, citing their lived experiences to shed light on alternative ways of belonging that resist the neoliberal logics all too frequently invoked by the mainstream gay rights movement in the West.

As my dissertation outlines, the gay rights movement may have rejected institutionalized homophobia, but it did not challenge capitalism, patriarchy, or white supremacy as normative systems of oppression. In the process, it reproduced the state’s methods for valuing and devaluing populations along the axes of race and sexuality. In his critique of the gay rights movement’s investment in hate crime laws, legal scholar Dean Spade reveals that advocates of trans equality have primarily pursued two law reform interventions. On the one hand, advocates seek anti-discrimination laws that list gender identity and/or expression as a category of nondiscrimination. On the other hand, advocates lobby on behalf of hate crime laws to include crimes motivated by the gender identity and/or expression of the victim.<sup>46</sup> Advocates of such “trans rights” insist that the passage of anti-discrimination laws is beneficial as it creates a basis for legal claims against discriminating employers, housing providers, restaurants, hotels, stores, etc. Spade disputes such claims that these laws provide certain remedies to injured trans people. Having the experiences of discrimination and violence named in the law, he argues, only gives the illusion of trans equality. These punishment systems and economic

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<sup>46</sup> Dean Spade, *Normal Life: Administrative Violence, Critical Trans Politics and the Limits of Law* (Brooklyn, NY: South End Press, 2011).

arrangements are made nominally inclusive as they continue to commit violent deeds against other marginalized populations.

Moreover, hate crime laws do not actually improve the life chances of those these laws are designed to protect. For one, anti-discrimination reforms do not eliminate bias, exclusion, or marginalization. Strictly speaking, they do not have a deterrent effect; they merely administer punishment. According to critical race theorist Alan Freeman, discrimination law misunderstands the operation of discrimination. For Freeman, discrimination law addresses the harm of racism, or any other oppressive system, through a binary of perpetrator and victim. The perpetrator perspective interprets racism as an individual act committed by an irrationally-minded person who discriminates based on race. Because it individualizes racism and, by extension, obscures the structural nature of racism, the perpetrator perspective is largely ineffective at eradicating racism.<sup>47</sup> By its very nature, discrimination law is only equipped to address the personal consequences of discrimination, not the structural conditions which engender racism, in the first place.

Inasmuch as hate crime laws frame violence in terms of individual wrongdoers, these laws legitimate the criminal punishment system as the arbiter of solutions to that discrimination. As I discuss in chapter three of my dissertation, the collaboration between the gay rights movement and the criminal punishment system in the legislation of hate crime laws is problematic. The criminal punishment system inflicts an inordinate amount of violence on the very same people those laws are supposed to protect, homeless queer and trans youth of color being one particular group. Accordingly, we must remain hesitant to increase the punishment capabilities and resources of the criminal punishment

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<sup>47</sup> Alan D. Freeman, "Legitimizing Racial Discrimination Through Antidiscrimination Law: A Critical Review of Supreme Court Doctrine," *Minnesota Law Review* 62 (1978): 1049-1119.

system. While the expansion of such punitive systems may not actually improve the life chances of the most resource-poor and vulnerable, the inclusion of previously marginalized populations within such systems—white gay men—may actually empower those systems in ways that continue to target those most at risk for individual and structural violence.

Because discrimination laws only change what the law says about a group of people without addressing the actual impact of that discrimination, we need approaches to violence that do not rely on the state as the guarantor of rights, benefits, and protections. In her critique of the anti-violence movement's reliance on the criminal punishment system, Native scholar and feminist activist Andrea Smith compares the home of the United States—the greatest purveyor of racialized-gender violence for people of color and sexual minorities—to the private sphere of the home, statistically-speaking the most dangerous place for women and children. Smith urges us to think beyond the state as the answer to domestic and sexual violence. A separatist approach, nevertheless, can lead to a reluctance to engage with other social justice movements. As such, we are faced with the challenge of developing and organizing models that take power and make power. Sista II Sista, a young women's community organization in Brooklyn, utilizes a model of social justice which applies the dual strategies of "taking power" and "making power." Smith describes this model in detail:

On the one hand, it is necessary to engage in oppositional politics to corporate and state power by taking power. Yet if we only engage in the politics of taking power, we will have a tendency to replicate the hierarchical structures in our movements. So it is also important to "make power" by creating those structures

within our organizations, movements, and communities that model the world we are trying to create. Many groups in the U.S. often try to create separatist communities based on egalitarian ideals. If we “make power” without also trying to “take power,” we ultimately support the political status quo by failing to dismantle structures of oppression that will undermine us.<sup>48</sup>

Making claims on the state for citizen rights, benefits, and protections proves necessary. But this is not a completely effective approach if we hope to avoid the replication of the same racist, classist, sexist, and homophobic logics of the state. On the other hand, if we merely employ a utopian framework to separate ourselves from the ills of society, we fail to challenge the systems which occasioned our separatist stance in the first place and that continue to inflict violence on others. In light of that contradiction, it is of paramount importance that we engage the state, by demanding the redistribution of resources, as we simultaneously disengage from the state, by creating our own collectives for social justice. For if we only look to the state for our well-being, we will be at the mercy of its disciplinary regimes and we will become duplicitous in the brutality inflicted against others.

The dual strategies of “taking power” and “making power,” along with the technique of spatial disidentification, are part and parcel of the political project and reading practices of women of color feminism and queer of color critique. In the seminal piece, “Punks, Bulldaggers, and Welfare Queens,” Cathy J. Cohen proposes a transformative coalitional politics under which we could situate the tactics of taking power/making power, and spatial disidentification. Cohen critiques queer studies and the

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<sup>48</sup> Andrea Smith, *Conquest: Sexual Violence and American Indian Genocide* (Cambridge, MA: South End Press, 2005), 187.

mainstream gay rights movement for failing to subscribe to an intersectional framework. This failure, Cohen argues, leads to the reproduction of new dichotomous logics between “heterosexuals” and “queers,” which ascribe entitlement onto all heterosexuals and assign marginalization onto all gay men and lesbians. Owing to the fact that this binary conception of sexuality does not recognize the multiple subject positions of individuals, it is unable to attend to the material conditions of working-class heterosexuals of color, and elite managerial white gay men and lesbians, factors which complicate the division of heterosexual power outlined in the model.<sup>49</sup>

As a result, Cohen proposes a transformative coalitional politics that attends to racial formation, the intersecting nature of identity, and the interlocking nature of systems of oppression. This politics is defined, not by discrete categories of identity, but by one’s position to power. Under this politics, Cohen explains that “one’s relation to power, and not some homogenized identity, is privileged in determining one’s political comrades.”<sup>50</sup> Cohen’s conceptualization of politics prescribes that one’s relation to power determine the creation of practices and spaces distanced from normativity (i.e., white supremacy, heteronormativity, homonormativity, neoliberal multiculturalism) to enable coalitional work across and through difference. My dissertation corroborates the immediacy for such a spatial approach to social justice. Racial, class, gender, and sexual particularities mold and dictate people’s metaphorical and material proximity to normativity and power.

Given the spatial implications of capitalism and power, mobility—or lack thereof—is

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<sup>49</sup> For instance, a heterosexual man of color may reap benefits from being heterosexual, yet he can still be “queered” from normative masculinity. Racialized masculinities do not emerge from the same relationships to citizenship, property, and self-will that constitutes white hegemonic masculinities. If anything, white gay men may be in closer alignment to the power vested in those white hegemonic masculinities. Cathy J. Cohen, “Punks, Bulldaggers, and Welfare Queens: The Radical Potential of Queer Politics?” *GLQ: A Journal of Lesbian and Gay Studies* 3, no. 4 (1997): 437-65.

<sup>50</sup> *Ibid.*, 438.



shaped by people's living environments. Therefore, to truly subvert dominant systems of knowledge and power, we must attend to the ways in which racialized norms of sexual hygiene confine people to distinct spatial locations. In narrating a transformative coalitional politics in such a spatialized way, we are able to expand existing social justice frameworks to critique gentrification by signaling the geographic shift away from the long liberal Western tradition of whiteness as property. And, in so doing, we privilege those living on the margins to theorize the social production of space and its relationship to the consolidation of categories and locations of social difference.

As a central location for the creation of counter-hegemonic discourses, the margins offer the possibility of radical perspective to envision alternative, more just, worlds. According to feminist scholar bell hooks, marginality is “much more than a site of deprivation.” It is also the “site of radical possibility, a space of resistance.”<sup>51</sup> As a site of transgression where marginalized groups are able to produce political alternatives to uniquely challenge the meaning of that marginalization, in the margins we do not need to assimilate to racialized norms of sexual hygiene to confirm our social value or to verify our aptitude for social membership. A social movement that attends to this fact, such as Black Lives Matter, is able to generate revolutionary meanings of social value that, in turn, inspire alternative meditations on the nature of power in late neoliberal capitalism.

Women of color feminism and queer of color critique provide us with the tools to map the politics of lived experience in the United States and abroad, to recognize that space is continuously evolving because so is capital, identity, and power. These experiential feminist and queer theories of geography—taking power/making power,

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<sup>51</sup> bell hooks, *Yearning: Race, Gender, and Cultural Politics* (Toronto: Between the Lines Press, 1990), 149-50.

spatial disidentification, transformative coalitional politics—remind us that our inclusion within the rights, benefits, and protections associated with citizenship can be both emancipating yet inequitable, so that we do not rely wholeheartedly on the state's approval to appraise our own social worth. Instead, we must nurture the multiple geographical knowledges that emerge from our lived experiences on the margins. Only then can we collectively cultivate new diverse spaces of resistance where the likes of Fabian Bridges and Michael Johnson, single mothers of color, sex workers of color, and the more than 70 million people infected with HIV since the beginning of the epidemic are afforded compassion, dignity, justice, and respect for the simple fact of being sentient beings.

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